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MATT BLUNT

SECRETARY OF STATE

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MISSOURI REGISTER



February 18, 2003

Vol. 28 No. 4 Pages 281–392

IN THIS ISSUE:

FROM THIS ANGLE

EMERGENCY RULES

Department of Economic Development	287
Public Service Commission	
Department of Social Services	288
Division of Medical Services	
Elected Officials	294
Secretary of State	

EXECUTIVE ORDERS

PROPOSED RULES

Department of Agriculture	
Plant Industries	308
Department of Economic Development	
Division of Finance	319
Department of Elementary and Secondary Education	
Division of Administrative and Financial Services	322
Division of School Improvement	323
Department of Labor and Industrial Relations	
Labor and Industrial Relations Commission	325
Department of Natural Resources	
Air Conservation Commission	325
Department of Social Services	
Division of Medical Services	327
Elected Officials	
Secretary of State	331
Attorney General	331

ORDERS OF RULEMAKING

Office of Administration	
Personnel Advisory Board and Division of Personnel	339

Department of Agriculture	
Plant Industries	340
Department of Conservation	
Conservation Commission	344
Department of Elementary and Secondary Education	
Division of Administrative and Financial Services	344
Teacher Quality and Urban Education	344
Vocational Rehabilitation	354
Department of Revenue	
Director of Revenue	354
Department of Social Services	
Division of Family Services	354
Elected Officials	
Secretary of State	354
Department of Health and Senior Services	
Office of the Director	359
Department of Insurance	
Statistical Reporting	359

IN ADDITIONS

Department of Economic Development	
Division of Credit Unions	361

DISSOLUTIONS

BID OPENINGS	
Office of Administration	
Division of Purchasing	364

RULE CHANGES SINCE UPDATE	365
EMERGENCY RULES IN EFFECT	376
EXECUTIVE ORDERS	378
REGISTER INDEX	379

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
December 2, 2002	January 2, 2003	January 29, 2003	February 28, 2003
December 16, 2002	January 16, 2003	January 29, 2003	February 28, 2003
January 2, 2003	February 3, 2003	February 28, 2003	March 30, 2003
January 16, 2003	February 18, 2003	February 28, 2003	March 30, 2003
February 3, 2003	March 3, 2003	March 31, 2003	April 30, 2003
February 18, 2003	March 17, 2003	March 31, 2003	April 30, 2003
March 3, 2003	April 1, 2003	April 30, 2003	May 30, 2003
March 17, 2003	April 15, 2003	April 30, 2003	May 30, 2003
April 1, 2003	May 1, 2003	May 31, 2003	June 30, 2003
April 15, 2003	May 15, 2003	May 31, 2003	June 30, 2003
May 1, 2003	June 2, 2003	June 30, 2003	July 30, 2003
May 15, 2003	June 16, 2003	June 30, 2003	July 30, 2003
June 2, 2003	July 1, 2003	July 31, 2003	August 30, 2003
June 16, 2003	July 15, 2003	July 31, 2003	August 30, 2003
July 1, 2003	August 1, 2003	August 31, 2003	September 30, 2003
July 15, 2003	August 15, 2003	August 31, 2003	September 30, 2003
August 1, 2003	September 2, 2003	September 30, 2003	October 30, 2003
August 15, 2003	September 15, 2003	September 30, 2003	October 30, 2003

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE ...

What's New? Executive Orders Now in the *Missouri Register*.

Beginning January 1, 2003, as directed by legislation passed by the General Assembly during the last legislative session, see section 536.035.2, RSMo 2002 (S.B. 812), all Executive Orders issued by the Governor will now be published in the *Missouri Register*. See new section on Executive Orders.

Watch your dates!!!

We are still seeing instances where agencies are missing deadline/cutoff dates insofar as when to file their final order of rulemaking with JCAR and then with our office. Please watch your dates. If you miss the 90th day, we cannot help you! Your rulemaking will lapse and you will need to start over again. It is a difficult task for us to advise an agency that they must begin again when they have missed filing the requisite paperwork by the 90th day. We have suggested in past issues of this column that you consider putting these dates on your Outlook calendar to “flag” your dates for you and send you a gentle reminder!

Survey – your attention, please.

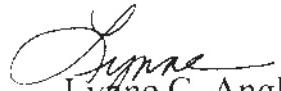
We are putting the finishing touches on our survey. Be watching your mail/interagency mail for our survey to arrive. When you receive the survey, *please* take a few moments to complete the same. We would really appreciate receiving your feedback. In order for us to serve you better, we need your opinion. This is your chance to let us know what we can do to help you.

Remember . . . get text from us!!

Revising your rules? Remember to call us for the text of your rules as they currently exist in the *Code of State Regulations*. We can send you an

c-mail containing the electronic copy of your text. This will save you many keystrokes in revising your rulemakings!

As always, please contact us if we may be of assistance to you.



Lynne C. Angle

Director, Administrative Rules

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

unknown defects left undetected could affect consumer health due to fire or improper ventilation that results in mold, wind damage and/or other unknown and/or unidentified deficiencies. To avoid these negative effects to the public health, safety and welfare, these matters must be corrected in a timely manner by the manufacturers or dealers of these facilities, and timely inspections are critical. In order to discharge its statutory obligation, and to protect the public health, safety and welfare, the commission requires a source of revenue that is sufficient to pay its personnel, office expenses, and other costs of administering this program. The only funds that are available to cover the costs of enforcing compliance with the statutes are the funds in the Manufactured Housing and Modular Unit Program, Fund #0582. The balance of the funds available in Fund #0582 has rapidly declined in the last year, primarily because the Fund no longer receives revenues related to the regulation of recreational vehicles, and the balance in the fund is not now sufficient to ensure the viability and integrity of the Manufactured Housing and Modular Unit Program. If actions to generate additional revenues are not taken immediately, the Fund will be completely depleted before a new, permanent rule can be implemented. In that event, there will be an immediate danger to the public health, safety, and welfare. The imposition of this fee on all new manufactured homes is reasonably related to the commission's obligation to enforce compliance with the provisions of sections 700.010 through 700.115. The commission must have this fee in effect on February 3, 2003, and continuously thereafter, in order to maintain the solvency of Fund #0582. The adoption of this rule follows statutory procedures that are limited in scope to those circumstances creating this emergency and requiring emergency action, relating to the enforcement of the provisions of sections 700.010 through 700.115; and the adoption of this rule provides regulatory procedures best calculated to assure fairness to all interested persons and parties, including modular unit manufacturers and dealers. The adoption of this rule follows procedures that comply with the protections extended to all interested persons and parties by the Missouri and United States Constitutions. Emergency rule filed January 24, 2003, effective February 3, 2003, expires August 1, 2003.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

EMERGENCY RULE

**4 CSR 240-120.140 New Manufactured Home Manufacturer's
Inspection Fee**

PURPOSE: This rule provides for payment of an inspection fee by manufacturers of new manufactured homes for each home delivered to dealers in the state of Missouri pursuant to section 700.040, RSMo.

EMERGENCY STATEMENT: Sections 700.010 through 700.115, RSMo establish standards that manufactured housing and modular units must meet, in order to adequately provide for the public health, safety and welfare of the persons who buy or live in such housing. The commission has the statutory obligation to enforce compliance with the standards that are set forth in sections 700.010 through 700.115. Without immediate additional funding for timely inspections and follow-up by staff members with persons who buy and live in manufactured housing and modular units to ensure compliance with safety standards—especially fire and other health standards—thousands of Missourians who live in these facilities and their neighbors will be at risk of imminent injury or death. Additionally, long term

(1) The commission establishes an inspection fee to be assessed on all new manufactured homes delivered or sold to dealers in the state of Missouri which shall be paid by the manufacturer of each home. Said inspection fee shall be thirty dollars (\$30) for each home each manufacturer delivers or sells to a dealer in the state of Missouri.

(2) Manufacturers of new manufactured homes shall remit to the director on a monthly basis an amount that equals the number of new manufactured homes delivered or sold to dealers in the state of Missouri, multiplied by thirty dollars (\$30). Each manufacturer shall submit said fee with any monthly delivery reports, or other filing, or documentation as may be required by the commission. Said fee shall be received no later than the tenth day following the month in which new manufactured homes were delivered or sold to dealers in the state of Missouri.

(3) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer's certificate of registration:

(A) Failure to pay the inspection fee within thirty (30) days of their prescribed due date;

(B) Failure to pay the inspection fee by the prescribed due date for two (2) consecutive months; or

(C) Failure to pay the inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(4) The director shall deliver copies of the commission's order establishing the new manufactured home manufacturer's inspection fee to

all existing registered manufacturers. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of manufacturer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo 2000. Emergency rule filed Jan. 24, 2003, effective Feb. 3, 2003, expires Aug. 1, 2003.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units

EMERGENCY AMENDMENT

4 CSR 240-123.030 Seals. The commission is amending subsections (3)(A) and (B) and section (9).

PURPOSE: This emergency amendment increases the fees for seals and replacement seals for modular units.

EMERGENCY STATEMENT: Sections 700.010 through 700.115, RSMo, establish standards that manufactured housing and modular units must meet, in order to adequately provide for the public health, safety and welfare of the persons who buy or live in such housing. The commission has the statutory obligation to enforce compliance with the standards that are set forth in sections 700.010 through 700.115. Without immediate additional funding for timely inspections and follow-up by staff members with persons who buy and live in manufactured housing and modular units to ensure compliance with safety standards—especially fire and other health standards—thousands of Missourians who live in these facilities and their neighbors will be at risk of imminent injury or death. Additionally, long term unknown defects left undetected could affect consumer health due to fire or improper ventilation that results in mold, wind damage and/or other unknown and/or unidentified deficiencies. To avoid these negative effects to the public health, safety and welfare, these matters must be corrected in a timely manner by the manufacturers or dealers of these facilities, and timely inspections are critical. In order to discharge its statutory obligation, and to protect the public health, safety and welfare, the commission requires a source of revenue that is sufficient to pay its personnel, office expenses, and other costs of administering this program. The only funds that are available to cover the costs of enforcing compliance with the statutes are the funds in the Manufactured Housing and Modular Unit Program, Fund #0582. The balance of the funds available in Fund #0582 has rapidly declined in the last year, primarily because the fund no longer receives revenues related to the regulation of recreational vehicles, and the balance in the fund is not now sufficient to ensure the viability and integrity of the Manufactured Housing and Modular Unit Program. If actions to generate additional revenues are not taken immediately, the fund will be completely depleted before a new, permanent rule can be implemented. In that event, there will be an immediate danger to the public health, safety, and welfare. The imposition of an increased fee for seals is reasonably related to the commission's obligation to enforce compliance with the provisions of sections 700.010 through 700.115. The commission must have this increased fee in effect on February 3, 2003, and continuously thereafter, in order to maintain the solvency of Fund #0582. The adoption of this rule follows statutory procedures that are limited in scope to those circumstances creating this emergency and requiring emergency action, relating to the enforcement of the provisions of sections 700.010 through 700.115; and the adoption of this rule provides regulatory procedures best calculated to assure fairness to all interested persons and parties, including modular unit manufacturers and dealers. The adoption of this rule follows procedures that comply with the protections extended to all interested persons and parties by the

Missouri and United States Constitutions. Emergency amendment filed January 24, 2003, effective February 3, 2003, expires August 1, 2003.

(3) To be complete, an application for seals to be affixed to modular units manufactured or to be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturer's authorized representative if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(A) An affidavit of the applicant or the applicant's authorized representative if the applicant is a corporation, certifying that each requested seal will be affixed only to modular units manufactured under an approved manufacturing program and that each modular unit to which a requested seal will be affixed will comply with the code at the time it is rented, leased, sold or offered for rent, lease, or sale by the applicant; *and*. Each new modular unit sold or placed in the state must contain the applicable seal as specified in this section; and

(B) A nonrefundable fee of *[eighty dollars (\$80)]* one hundred ten dollars (\$110) for each seal requested. Any seals attached to new modular units after the effective date of this subsection shall include either markings that reflect payment of the full one hundred ten dollar (\$110)-fee or a seal purchased prior to the effective date of this subsection plus tabs or other markings that reflect payment of an additional fee of thirty dollars (\$30). Seals issued for less than the full one hundred ten dollar (\$110)-fee prior to the effective date of this subsection that do not comply with the requirements of the preceding sentence may not be attached to new modular units after the effective date of this subsection. The commission will provide the appropriate tabs or other markings to the applicant upon payment of the applicable fee. The applicable fee is to be paid at the time of application.

(9) Any person to whom a seal has been issued or who owns a modular unit to which a seal or approved insignia has been affixed may apply for the replacement of such seal or approved insignia if it becomes lost, mutilated or otherwise unserviceable. Applications for replacement seals shall be made on the same forms and in the same manner as applications for seals are made under this rule. A fee of *[twenty dollars (\$20)]* forty dollars (\$40) shall be charged for a replacement seal.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective Jan. 30, 2002. Emergency amendment filed Jan. 24, 2003, effective Feb. 3, 2003, expires Aug. 1, 2003.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 3—Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

EMERGENCY RULE

13 CSR 70-3.065 Medicaid Program Payment of Claims for Medicare Part B Services

PURPOSE: This rule establishes the regulatory basis for the administration of payment of claims for Medicare Part B services. The Division of Medical Services will limit reimbursement of deductible and coinsurance under Medicare Part B for dually-entitled individuals to only those covered services for which benefits are also allowable under the Medicaid program. This rule also limits Medicaid reimbursement to the lesser of such deductible and coinsurance amounts as are determined by Medicare for a given service or the

amount by which the Medicaid maximum allowable amount for the same service exceeds the Medicare Part B payment made to the provider of physician or clinic services. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area.

EMERGENCY STATEMENT: The Division of Medical Services has determined that the Missouri Medicaid program would suffer irreparable harm if the Division of Medical Services does not reduce Medicaid payment of claims for Medicare Part B Services to the lesser of the deductible and coinsurance due on the services or the amount remaining, if any, after subtracting the Medicare Part B payment made for the service from the maximum amount which Medicaid alone would be reimbursed for that same service beginning March 1, 2003. The Missouri Medicaid program pays for the health care of more than eight hundred thousand (800,000) of Missouri's most vulnerable citizens. Missouri's economic status requires emergency measures to contain cost wherever feasible. For State Fiscal Year (SFY) 2003, the state projected general revenue to be fifty-six (56) million dollars less than actual net collections in SFY 2001. Assuming the projection is accurate, the state will have less money to operate than two (2) years ago. This does not take into account the impact of caseload growth. In order to utilize the limited SFY 2003 projected revenues, cost reductions must be made to Medicaid programs totaling at least \$332,900,000. This emergency rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Medicaid services currently assist in protecting health, safety, and welfare of Missouri's Medicaid eligible population. The Division of Medical Services does not anticipate that currently enrolled providers will leave the Medicaid physician program in numbers that would impact recipient access to services because of this reduction. An emergency rule is necessary to preserve a compelling governmental interest. The Department of Social Services (DSS), Division of Medical Services must reduce spending in certain Medicaid programs to assure that money is available to pay for some portion of all medically necessary services during SFY 2003 because Missouri's constitution does not allow for spending more money than is available to the state. The necessary expenditure savings cannot be achieved in SFY 2003 through the regular rulemaking process, thus requiring emergency rulemaking. This emergency rule must be implemented on a timely basis to ensure that quality Medicaid services continue to be provided to eligible Medicaid recipients. The Division of Medical Services has weighed the compelling governmental interest against the due process rights of the public to notice and comment. A proposed rule, which covers this same material, is published in the February 18, 2003 issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Division of Medical Services believes this emergency rule is fair to all interested persons and parties, under the circumstances. This emergency rule was filed February 7, 2003, effective March 1, 2003, and expires August 27, 2003.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by

reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Title XIX Medicaid benefits for individuals dually entitled to Missouri Medicaid and Title XVIII Medicare Part B Supplementary Medical Insurance (SMI) shall be limited as follows:

(A) For services provided by an enrolled Medicaid provider to a recipient who is dually entitled to Title XIX Medicaid and Title XVIII Medicare Part B SMI, Medicaid vendor reimbursement shall be limited to payment of deductible and coinsurance amounts, as determined due under the applicable provisions of federal regulations pertaining to Medicare Part B, for only those goods and services which are covered by the state Medicaid program for those individuals who are Medicaid eligible; and

(B) Medicaid payment of such deductible and coinsurance amounts shall be limited to the lesser of—

1. The deductible and coinsurance due on the service; or
2. The amount remaining, if any, after subtracting the Medicare Part B payment made for the service from the maximum amount which Medicaid alone would have reimbursed for that same service.

(2) Provider, as used in this regulation, shall include the following Medicaid provider types:

20	and	24	Physicians
25			Nurse midwife
30			Podiatrist
36			Podiatry clinic
42			Nurse practitioner
49			Psychologist
50			Independent clinic (except federally qualified health clinic, ambulatory surgical center, and renal dialysis center)
51			Public health department clinic
52			Family planning clinic
54			Teaching institution department
55			Teaching institution
56			Community mental health center
75			Qualified Medicare beneficiary (QMB) only
91			Certified registered nurse anesthetist (CRNA)

(3) The provider of service which is covered under both Medicare Part B SMI and Medicaid must accept assignment of the Medicare benefits available for the service before Medicaid may consider a claim for payment of deductible and coinsurance subject to the limitations of this rule.

(4) If the service is a Medicaid covered service, amounts not reimbursed by Medicaid for crossover claims may not be billed to the Medicaid recipient.

(5) If the service is a non-covered Medicaid service, then no payment will be made. The recipient will be responsible for the coinsurance and deductible for any non-covered Medicaid service.

(6) The services and items covered and not covered and the program limitations shall be determined by the Department of Social Services, Division of Medical Services and shall be included in the physician provider manual and special bulletins, which are incorporated by reference in this rule and available through the Department of Social Services, Division of Medical Services website at www.dss.state.mo.us/dms.

(7) The limitations on Medicaid reimbursement provided in this rule shall be effective based on the date of service.

(8) There will be a processing charge for any Medicare Part B claim that does not automatically cross over or is not submitted to Department of Social Services, Division of Medical Services electronically via the Internet. In order to submit paper claims for reimbursement, Medicaid providers must agree that the cost of processing the paper claim of two dollars and ninety-one cents (\$2.91) will be deducted from Medicaid payment due the provider. Paper claims that cannot be filed electronically due to Medicaid policy are exempt from the processing charge.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Jan. 10, 2003. Emergency rule filed Feb. 7, 2003, effective March 1, 2003, expires Aug. 27, 2003. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 60—Durable Medical Equipment Program**

EMERGENCY RULE

13 CSR 70-60.010 Durable Medical Equipment Program

PURPOSE: This rule establishes the regulatory basis for the administration of the Medicaid durable medical equipment program, designation of professional persons who may dispense durable medical equipment and the method of reimbursement for durable medical equipment. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Specific details of the conditions for provider participation, criteria and methodology of provider reimbursement, recipient eligibility and amount, duration and scope of services covered are included in the durable medical equipment provider manual which is incorporated by reference in this rule and available at the website www.dss.state.mo.us/dms.

EMERGENCY STATEMENT: The Division of Medical Services has determined that the Missouri Medicaid program would suffer irreparable harm if the Division of Medical Services does not reduce the reimbursement rates for power and custom wheelchairs and augmentative communication devices by five percent (5%), for oxygen by five percent (5%), from cost plus twenty-five percent (25%) for Healthy Children and Youth (HCY) supplies and cost plus thirty-five percent (35%) for ostomy supplies to cost plus twenty percent (20%), total parental nutrition and other equipment and related supplies is reduced to equal the Medicare fee schedule, and event recorders, pneumographs, and apnea monitors will be combined into a single rate beginning March 1, 2003. The Missouri Medicaid program pays for the health care of more than eight hundred thousand (800,000) of Missouri's most vulnerable citizens. Missouri's economic status requires emergency measures to contain cost wherever feasible. For State Fiscal Year (SFY) 2003, the state projected general revenue to be fifty-six (\$56) million dollars less than actual net collections in SFY 2001. Assuming the projection is accurate, the state will have less money to operate than two (2) years ago. This does not take into account the impact of caseload growth. In order to utilize the limited SFY 2003 projected revenues, core reductions must be made to Medicaid programs totaling at least \$332,900,000. This emergency

rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Medicaid services currently assist in protecting health, safety, and welfare of Missouri's Medicaid eligible population. The Division of Medical Services does not anticipate that currently enrolled providers will leave the Medicaid durable medical equipment program in numbers that would impact recipient access to services because of these reductions. An emergency rule is necessary to preserve a compelling governmental interest. The Department of Social Services (DSS), Division of Medical Services must reduce spending in certain Medicaid programs to assure that money is available to pay for some portion of all medically necessary services during SFY 2003 by more closely aligning expenditures with available revenues for SFY 2003. Without this rule, the Division of Medical Services will be faced with the alternative of not being able to make all payments to Medicaid providers by the end of SFY 2003 because Missouri's constitution does not allow for spending more money than is available to the state. The necessary expenditure savings cannot be achieved in SFY 2003 through the regular rulemaking process, thus requiring emergency rulemaking. This emergency rule must be implemented on a timely basis to ensure that quality Medicaid services continue to be provided to eligible Medicaid recipients. The Division of Medical Services has weighed the compelling governmental interest against the due process rights of the public to notice and comment. A proposed rule, which covers the same material, was published in the December 2, 2002 issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Division of Medical Services believes this emergency rule is fair to all interested persons and parties, under the circumstances. This emergency rule was filed February 7, 2003, effective March 1, 2003, and expires August 27, 2003.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Administration. The Medicaid durable medical equipment (DME) program shall be administered by the Department of Social Services, Division of Medical Services. The services and items covered and not covered, the program limitations and the maximum allowable fees for all covered services shall be determined by the Department of Social Services, Division of Medical Services and shall be included in the DME provider manual, which is incorporated by reference in this rule and available through the Department of Social Services, Division of Medical Services website at www.dss.state.mo.us/dms. The division reserves the right to affect changes in services, limitations and fees with notification to DME providers.

(2) Persons eligible. Any person who is eligible for Title XIX benefits as determined by the Division of Family Services is eligible for DME when the DME is medically necessary as determined by the treating physician or advanced practice nurse in a collaborative practice arrangement.

(3) Reimbursement. Payment will be made for each unit of service or item provided in accordance with the fee schedule determined by the Division of Medical Services. Reimbursement will not exceed the lesser of the maximum allowed amount determined by the Division of Medical Services or the provider's billed charge. Reimbursement for DME services is made on a fee-for-service basis. The Medicaid maximum allowable fee for a unit of service has been determined by the Division of Medical Services to be a reasonable fee, consistent with efficiency, economy, and quality of care. Sales tax is not covered by Medicaid, nor can it be billed to the recipient. Providers must accept the Medicaid payment as the full and complete payment and may not accept additional payment from the recipient. Charges for shipping, freight, COD, handling, delivery and pickup are included in the reimbursement for items covered under the DME program and are not billable to the Medicaid recipient.

(4) Definition for Durable Medical Equipment. DME is equipment that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of an illness or injury, and is appropriate for use in the home. All requirements of the definition must be met in order for the equipment to be covered by Medicaid.

(5) Provider Participation.

(A) The following types of providers may be reimbursed by Medicaid for items covered under the DME program if they are enrolled Medicaid providers: rental and sales providers, prosthetic fabricators, rehabilitation centers, orthotic fabricators, physicians (includes M.D., D.O., podiatrists—may dispense orthotic devices and artificial larynx), advanced practice nurses in a collaborative practice arrangement, pharmacies and hospitals.

(B) The enrolled Medicaid provider shall agree to:

1. Keep any records necessary to disclose the extent of services the provider furnishes to recipients; and
2. On request furnish to the Medicaid agency or State Medicaid Fraud Control Unit any information regarding payments claimed by the provider for furnishing services under the plan.

(6) Covered Services. It is the provider's responsibility to determine the coverage benefits for a Medicaid eligible recipient based on his or her type of assistance as outlined in the DME manual. Reimbursement will be made to qualified participating DME providers only for DME items, determined by the recipient's treating physician or advanced practice nurse in a collaborative practice arrangement to be medically necessary, and shall include but not be limited to: prosthetics; orthotics; oxygen and respiratory care equipment; parenteral nutrition; ostomy supplies; wheelchairs; augmentative communication devices; and hospital beds. Specific procedure codes that are covered under the DME program are listed in Section 19 of the DME provider manual, which is incorporated by reference in this rule. These items must be for use in the recipient's home when ordered in writing by the recipient's physician or advanced practice nurse in a collaborative practice arrangement. Although an item is classified as DME, it may not be covered in every instance. Coverage is based on the fact that the item is reasonable and necessary for treatment of the illness or injury, or to improve the functioning of a malformed or permanently inoperative body part and the equipment meets the definition of DME. Even though a DME item may serve some useful, medical purpose, consideration must be given by the physician or advanced practice nurse in a collaborative practice arrangement and the DME supplier to what extent, if any, it is reasonable for Medicaid to pay for the item as opposed to another realistically feasible alternative pattern of care. Consideration should be given by the physician or advanced practice nurse in a collaborative practice arrangement and the DME supplier as to whether the item serves essentially the same purpose as equipment already available to the recipient. If two (2) different items each meet the need

of the recipient, the less expensive item must be employed, all other conditions being equal.

(7) Documentation. The DME provider and physician or advanced practice nurse in a collaborative practice arrangement shall document how they determined what was the least expensive, feasible alternative for treatment of the illness or injury, or to improve the functioning of a malformed or permanently inoperative body part.

(8) Durable medical equipment for recipients who are in a nursing facility or inpatient hospital. DME is not covered for those recipients residing in a nursing home. DME is included in the nursing home per diem rate and not paid for separately with the exception of augmentative communication devices, custom and power wheelchairs, orthotic and prosthetic devices, total parenteral nutrition, and volume ventilators. DME that is used while the recipient is in inpatient hospital care is not paid for separately under the DME program. These costs are recognized as part of the hospital's inpatient per diem rate.

(9) Non-Covered Items. Missouri Medicaid does not cover items which primarily serve the following purposes: personal comfort, convenience, education, hygiene, safety, cosmetic, new equipment of unproven value, and equipment of questionable current usefulness or therapeutic value. Specific items which are generally not covered can be found in Section 13.32 of the DME manual. Examples of non-covered items are: air conditioners, computers (unless determined to be used for an augmentative communication device), electric bathtub lifts, elevators, furniture, toys, home modifications, refrigerators, seat lift chairs, stair lifts or glides, treadmill, water softening systems, wheelchair lifts, wheelchair ramps, whirlpool tubs or pumps.

(10) Medicare/Medicaid Crossovers. For recipients having both Medicare and Medicaid eligibility, the state Medicaid program pays the lesser of the amounts indicated by Medicare to be deductible and/or coinsurance due on the Medicare allowed amount or the difference between the amount paid by Medicare and the Medicaid allowed amount.

(11) Records Retention. These records must be retained for five (5) years from the date of service. Fiscal and medical records coincide with and fully document services billed to the Medicaid agency. Providers must furnish or make the records available for inspection or audit by the Department of Social Services or its representative upon request. Failure to furnish, reveal or retain adequate documentation for services billed to the Medicaid program, as specified above, is a violation of this regulation.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Nov. 1, 2002. Emergency rule filed Feb. 7, 2003, effective March 1, 2003, expires Aug. 27, 2003. A proposed rule covering this same material was published in the Dec. 2, 2002 issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 65—Rehabilitation Center Program**

EMERGENCY RULE

13 CSR 70-65.010 Rehabilitation Center Program

PURPOSE: This rule establishes the regulatory basis for the administration of the rehabilitation center program. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent

with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Specific details of provider participation, criteria and methodology for provider reimbursement, recipient eligibility, and amount, duration and scope of services covered are included in the Rehabilitation Center Provider Manual which is incorporated by reference in this rule and available at the website www.dss.state.mo.us/dms.

EMERGENCY STATEMENT: The Division of Medical Services has determined that the Missouri Medicaid program would suffer irreparable harm if the Division of Medical Services does not reduce the reimbursement rates for Medicaid rehabilitation center services by fifty cents (\$.50) per quarter hour beginning March 1, 2003. The Missouri Medicaid program pays for the health care of more than eight hundred thousand (800,000) of Missouri's most vulnerable citizens. Missouri's economic status requires emergency measures to contain cost wherever feasible. For State Fiscal Year (SFY) 2003, the state projected general revenue to be fifty-six (56) million dollars less than actual net collections in SFY 2001. Assuming the projection is accurate, the state will have less money to operate than two (2) years ago. This does not take into account the impact of case load growth. In order to utilize the limited SFY 2003 projected revenues, core reductions must be made to Medicaid programs totaling at least \$332,900,000. This emergency rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Medicaid services currently assist in protecting health, safety and welfare of Missouri's Medicaid eligible population. The Division of Medical Services does not anticipate that the number of currently enrolled providers in the Medicaid rehabilitation center program will be reduced in numbers that would impact recipient access to services over this four and seven-tenths percent (4.7%) decrease from ten dollars and fifty cents (\$10.50) per quarter hour to ten dollars (\$10) per quarter hour. The Division of Medical Services does not anticipate that the number of currently enrolled rehabilitation centers that may provide group speech therapy sessions for children will be reduced in numbers that would impact recipient access to services when the reimbursement rate is reduced from three dollars and fifty cents (\$.30) per quarter hour to three dollars (\$.3) per quarter hour in numbers that would impact recipient access to services. An emergency rule is necessary to preserve a compelling governmental interest. The Department of Social Services (DSS), Division of Medical Services must reduce spending in certain Medicaid programs to assure that money is available to pay for some portion of all medically necessary services during SFY 2003 by more closely aligning expenditures with available revenues for SFY 2003. Without this rule, the Division of Medical Services will be faced with the alternative of not being able to make all payments to Medicaid providers by the end of SFY 2003 because Missouri's constitution does not allow for spending more money than is available to the state. The emergency rule will also allow the Division of Medical Services to assure that only medically necessary services are provided by requiring a referral for speech therapy services from a Medicaid enrolled primary care provider and a prescription for occupational and physical therapy services from a Medicaid enrolled primary care provider. The necessary expenditure savings cannot be achieved in SFY 2003 through the regular rule-making process, thus requiring emergency rulemaking. This emergency rule must be implemented on a timely basis to ensure that quality Medicaid services continue to be provided to eligible Medicaid recipients. The Division of Medical Services has weighed the compelling governmental interest against the due process rights of the

public to notice and comment. A proposed rule, which covers the same material, was published in the December 2, 2002 issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Division of Medical Services believes this emergency rule is fair to all interested persons and parties, under the circumstances. This emergency rule was filed February 7, 2003, effective March 1, 2003, and expires August 27, 2003.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) **Administration.** The Missouri Medicaid rehabilitation center program shall be administered by the Department of Social Services, Division of Medical Services. The rehabilitation center services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the Division of Medical Services and shall be included in the rehabilitation center provider manual, which is incorporated by reference in this rule and available through the Department of Social Services, Division of Medical Services website at www.dss.state.mo.us/dms. Rehabilitation center services shall include only those that are clearly shown to be medically necessary as determined by the treating physician. The division reserves the right to affect changes in services, limitations and fees with notification to rehabilitation center providers.

(2) **Persons eligible.** The Missouri Medicaid Rehabilitation Program pays for the adaptive training of Medicaid recipients who receive a prosthetic/orthotic device. In addition, rehabilitation centers may provide physical, occupational, and speech therapy to children under the age of twenty-one (21) when medically necessary as determined by the treating physician. The Omnibus Reconciliation Act of 1989 (OBRA-89) mandated that Medicaid covered services be provided based on medical necessity as determined by the treating physician in a healthy children and youth screening. The recipient must be eligible on the date service is furnished. Recipients may have specific limitations to rehabilitation center program services according to the type of assistance for which they have been determined eligible. It is the provider's responsibility to determine the coverage benefits for a recipient based on his or her type of assistance as outlined in the rehabilitation center provider manual. The provider shall ascertain the patient's Medicaid/MC+ status before any service is performed. The recipient's eligibility shall be verified in accordance with methodology outlined in the rehabilitation center provider manual.

(3) **Provider Participation.**

(A) To be eligible for participation in the Missouri Medicaid rehabilitation center program, a provider must meet the criteria specified for his or her profession as outlined in the rehabilitation center provider manual and be an enrolled Medicaid provider.

(B) The enrolled Medicaid provider shall agree to:

1. Keep any records necessary to disclose the extent of services the provider furnishes to recipients; and
2. On request furnish to the Medicaid agency or State Medicaid Fraud Control Unit any information regarding payments claimed by the provider for furnishing services under the plan.

(4) Covered Services. The recipient shall have a referral for speech therapy services from a Medicaid enrolled primary care provider. The recipient shall have a prescription for occupational and physical therapy services from a Medicaid enrolled primary care provider.

(5) Reimbursement. Payment will be made in accordance with the fee per unit of service as defined and determined by the Division of Medical Services. Providers must bill their usual and customary charge for rehabilitation center services. Reimbursement will not exceed the lesser of the maximum allowed amount determined by the Division of Medical Services or the provider's billed charges. Rehabilitation services are only payable to an enrolled, eligible, participating provider.

(6) Documentation. For physical, occupational and speech therapy services, the Division of Medical Services requires that the following documentation be included in the recipient's record:

- (A) Recipient's complete name;
- (B) Date the service was provided;
- (C) Actual treatment provided for the recipient (more than "treatment given") on the specific date of service;
- (D) Individual or group therapy (the provider must document the type of therapy given);
- (E) The time the service was delivered must be clearly documented in the client record (e.g., 4:00–4:15 p.m.); providers cannot bill for charting time, only the time they spend doing the therapy;
- (F) The signature of the therapist who provided the service; and
- (G) The official Individual Education Plan (IEP) or Individual Family Services Plan (IFSP) which must be in the record when billing therapy with a WQ modifier.

(7) Records Retention. These records must be retained for five (5) years from the date of service. Fiscal and medical records coincide with and fully document services billed to the Medicaid agency. Providers must furnish or make the records available for inspection or audit by the Department of Social Services or its representative upon request. Failure to furnish, reveal or retain adequate documentation for services billed to the Medicaid program, as specified above, is a violation of this regulation.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Nov. 1, 2002. Emergency rule filed Feb. 7, 2003, effective March 1, 2003, expires Aug. 27, 2003. A proposed rule covering this same material was published in the Dec. 2, 2002 issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 70—Therapy Program**

EMERGENCY RULE

13 CSR 70-70.010 Therapy Program

PURPOSE: This rule establishes the regulatory basis for the administration of the therapy program. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Specific details of provider participation, criteria and methodology for provider reimbursement, recipient eligibility, and amount, duration and scope of services covered are included in the therapy provider manual, which

is incorporated by reference in this rule and available at the website www.dss.state.mo.us/dms.

EMERGENCY STATEMENT: The Division of Medical Services has determined that the Missouri Medicaid program would suffer irreparable harm if the Division of Medical Services does not reduce the reimbursement rates for Medicaid independent physical, occupational, and speech therapy services by fifty cents (\$.50) per quarter hour beginning March 1, 2003. The Missouri Medicaid program pays for the health care of more than eight hundred thousand (800,000) of Missouri's most vulnerable citizens. Missouri's economic status requires emergency measures to contain cost wherever feasible. For State Fiscal Year (SFY) 2003, the state projected general revenue to be fifty-six (56) million dollars less than actual net collections in SFY 2001. Assuming the projection is accurate, the state will have less money to operate than two (2) years ago. This does not take into account the impact of caseload growth. In order to utilize the limited SFY 2003 projected revenues, core reductions must be made to Medicaid programs totaling at least \$332,900,000. This emergency rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. Medicaid services currently assist in protecting health, safety and welfare of Missouri's Medicaid eligible population. The Division of Medical Services does not anticipate that the number of currently enrolled providers in the Medicaid independent physical, occupational, and speech therapy programs will be reduced in numbers that would impact recipient access to services over this four and seven-tenths percent (4.7%) decrease from ten dollars and fifty cents (\$10.50) per quarter hour to ten dollars (\$10) per quarter hour. The Division of Medical Services does not anticipate that the number of currently enrolled independent speech providers who provide group speech therapy sessions will be reduced in numbers that would impact recipient access to services when the reimbursement rate is reduced from three dollars and fifty cents (\$.3.50) per quarter hour to three dollars (\$3) per quarter hour. An emergency rule is necessary to preserve a compelling governmental interest. The Department of Social Services (DSS), Division of Medical Services must reduce spending in certain Medicaid programs to assure that money is available to pay for some portion of all medically necessary services during SFY 2003 by more closely aligning expenditures with available revenues for SFY 2003. Without this rule, the Division of Medical Services will be faced with the alternative of not being able to make all payments to Medicaid providers by the end of SFY 2003 because Missouri's constitution does not allow for spending more money than is available to the state. The emergency rule will also allow the Division of Medical Services to assure that only medically necessary services are provided by requiring a referral for speech therapy services from a Medicaid enrolled primary care provider and a prescription for occupational and physical therapy services from a Medicaid enrolled primary care provider. The necessary expenditure savings cannot be achieved in SFY 2003 through the regular rule-making process, thus requiring emergency rulemaking. This emergency rule must be implemented on a timely basis to ensure that quality Medicaid services continue to be provided to eligible Medicaid recipients. The Division of Medical Services has weighed the compelling governmental interest against the due process rights of the public to notice and comment. A proposed rule, which covers the same material, was published in the December 2, 2002 issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Division of Medical Services believes this emergency rule is fair to all

interested persons and parties, under the circumstances. This emergency rule was filed February 7, 2003, effective March 1, 2003, and expires August 27, 2003.

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) **Administration.** The Missouri Medicaid therapy program shall be administered by the Department of Social Services, Division of Medical Services. The therapy services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the Division of Medical Services and shall be included in the therapy provider manual, which is incorporated by reference in this rule and available through the Department of Social Services, Division of Medical Services website at www.dss.state.mo.us/dms. Therapy services shall include only those which are clearly shown to be medically necessary as determined by the treating physician. The division reserves the right to affect changes in services, limitations and fees with notification to therapy providers.

(2) **Persons eligible.** Medically necessary therapy services as determined by the treating physician are covered for individuals under the age of twenty-one (21). The Healthy Children and Youth (HCY) Program (also known as Early Periodic Screening, Diagnosis, and Treatment (EPSDT)) ensures a comprehensive, preventive health care program for Medicaid eligible children under the age of twenty-one (21) years. The Omnibus Budget Reconciliation Act of 1989 (OBRA-89) mandated that Medicaid covered services be provided, based on medical necessity as identified in a HCY (EPSDT) screening. These services include physical, occupational, and speech/language therapy services. The recipient must be eligible on the date the service is furnished. Recipients may have specific limitations to therapy program services according to the type of assistance for which they have been determined eligible. It is the provider's responsibility to determine the coverage benefits for a recipient based on their type of assistance as outlined in the therapy provider manual. The provider shall ascertain the patient's Medicaid/MC+ status before any service is performed. The recipient's eligibility shall be verified in accordance with methodology outlined in the therapy provider manual.

(3) **Provider Participation.**

(A) To be eligible for participation in the Missouri Medicaid therapy program, a provider must meet the criteria specified for his or her profession as outlined in the therapy provider manual and be an enrolled Medicaid provider.

(B) The enrolled Medicaid provider shall agree to:

1. Keep any records necessary to disclose the extent of services the provider furnishes to recipients; and

2. On request furnish to the Medicaid agency or State Medicaid Fraud Control Unit any information regarding payments claimed by the provider for furnishing services under the plan.

(4) **Covered Services.** The recipient shall have a referral for speech therapy services from a Medicaid enrolled primary care provider. The recipient shall have a prescription for occupational and physical therapy services from a Medicaid enrolled primary care provider.

(5) **Reimbursement.** Payment will be made in accordance with the fee per unit of service as defined and determined by the Division of

Medical Services. Providers must bill their usual and customary charge for therapy services. Reimbursement will not exceed the lesser of the maximum allowed amount determined by the Division of Medical Services or the provider's billed charges. Physical, occupational and speech therapy services are only payable to the enrolled, eligible, participating provider. The Medicaid program cannot reimburse for services performed by non-enrolled persons.

(6) **Documentation.** For physical, occupational and speech therapy services, the Division of Medical Services requires that the following documentation be included in the recipient's record:

(A) Recipient's complete name;

(B) Date the service was provided;

(C) Actual treatment provided for the recipient (more than "treatment given") on the specific date of service;

(D) Individual or group therapy (the provider must document the type of therapy given);

(E) The time the service was delivered must be clearly documented in the client record (e.g., 4:00–4:15 p.m.); providers cannot bill for charting time, only the time they spend doing the therapy;

(F) The signature of the therapist who provided the service; and

(G) The official Individual Education Plan (IEP) or Individual Family Services Plan (IFSP) which must be in the record when billing therapy with a WQ modifier.

(7) **Records Retention.** These records must be retained for five (5) years from the date of service. Fiscal and medical records coincide with and fully document services billed to the Medicaid agency. Providers must furnish or make the records available for inspection or audit by the Department of Social Services or its representative upon request. Failure to furnish, reveal or retain adequate documentation for services billed to the Medicaid program, as specified above, is a violation of this regulation.

AUTHORITY: section 208.153 and 208.201, RSMo 2000. Original rule filed Nov. 1, 2002. Emergency rule filed Feb. 7, 2003, effective March 1, 2003, expires Aug. 27, 2003. A proposed rule covering this same material was published in the Dec. 2, 2002 issue of the Missouri Register.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

EMERGENCY RULE

15 CSR 30-90.090 Refusal to File; Cancellation; Defects in Filing

PURPOSE: *This rule provides guidelines for when a filing officer may refuse acceptance of records.*

EMERGENCY STATEMENT: *This emergency rule informs the public of the reasons for which the filing officer may refuse a filing or cancel a previously filed record under Article 9 of the Uniform Commercial Code. The rule clarifies that the filing officer may refuse filing of a record or cancel a previously filed record when the record is not created pursuant to Chapter 400.9, RSMo, or is otherwise intended for an improper purpose, such as to hinder, harass, or otherwise wrongfully interfere with any person. This emergency rule is necessary to protect the public health, safety and welfare because the filing office has received an increased number of records that were not created pursuant to Chapter 400.9, RSMo, or intended for an improper purpose, such as to hinder, harass, or otherwise wrongfully interfere with statewide elected officials, judges, prosecuting attorneys, other local elected officials, and other Missouri citizens. The filing office has received more than sixty (60) of these types of filings within the last three (3) months. As a result, the Business Services*

Division finds an immediate danger to the public health, safety, and welfare and a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, was published in the November 1, 2002, issue of the Missouri Register, and an order of rulemaking for the proposed rule will be published in the February 18, 2003, issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Business Services Division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 10, 2003, effective February 20, 2003 and expires March 30, 2003.

- (1) The filing officer may refuse to accept filing of a Uniform Commercial Code (UCC) record for the reasons specified in section 400.9-516, RSMo.
- (2) Defects that do not warrant a filing officer's refusal to accept a record include, but are not limited to, the following:
 - (A) The UCC record contains or appears to contain a misspelling or other erroneous information;
 - (B) The UCC record appears to identify a debtor incorrectly;
 - (C) The UCC record appears to identify a secured party or a secured party of record incorrectly;
 - (D) The UCC record contains additional or extraneous information of any kind;
 - (E) The UCC record contains less than the information required by law except for information allowing rejection pursuant to 400.9-516(b), RSMo; and
 - (F) The UCC record incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no such description.
- (3) If the record contains more than one (1) debtor name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings. The filing officer may provide a notice to the remitter containing the file number of the record, identification of the debtor name that was indexed, and a statement that any debtors with illegible or missing names or addresses were not indexed.
- (4) If the record contains more than one (1) secured party or assignee name or address and some names or addresses are missing or illegible, the filing officer shall index the legible name and address pairings. The filing officer may provide a notice to the filer containing the file number of the record, identification of the secured party name that was indexed, and a statement that the secured parties with illegible or missing names or addresses were not indexed.
- (5) If an amendment requests multiple actions, the filing officer shall file and index the information in accordance with the requested actions as long as adequate information can be indexed with the appropriate finance number.
- (6) If, within thirty (30) days of the date that a record is rejected, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record should not have been refused, the filing officer shall file the UCC record. The record shall be given a filing date and time reflecting the date and time the document would have been filed if it had been accepted when originally tendered for filing.
- (7) The secretary of state may refuse to accept filing of a UCC record when the secretary of state determines that the record is not created pursuant to Chapter 400.9, RSMo, or is otherwise intended for an improper purpose, such as to hinder, harass, or otherwise wrongfully interfere with any person.
- (8) The secretary of state shall cancel a previously filed record if:
 - (A) A correction statement alleging that a previously filed record was wrongfully filed and that it should have been rejected under section (7) of this rule;
 - (B) Such correction statement includes a written certification, under oath, by the person that the contents of the correction statement are true and accurate to the best of the person's knowledge; and
 - (C) The secretary of state, without undue delay, determines that the contested record was wrongfully filed and should have been rejected. In order to determine whether the record was wrongfully filed, the secretary of state may require the person filing the correction statement and the secured party to provide any additional relevant information requested by the secretary of state, including an original or a copy of any security agreement that is related to the record. If the secretary of state finds that the record was wrongfully filed and should have been rejected under section (7) of this rule, the secretary of state shall cancel the record and it shall be void and of no effect.
- (9) If the secretary of state cancels a record under section (8), the secretary shall communicate to the person that presented the record the fact of and reason for the cancellation.
- (10) If the secretary of state refuses to accept a record for filing pursuant to section (7) of this rule or cancels a wrongfully filed record pursuant to section (8) of this rule, the secured party may file an appeal within thirty (30) days after the refusal or cancellation in the Circuit Court of Cole County.
 - (A) Filing a petition requesting to be allowed to file the document commences the appeal. The petition shall be filed with the court and the secretary of state and shall have the record attached to it. Upon the commencement of an appeal, it shall be advanced on the court docket and heard and decided by the court as soon as possible.
 - (B) Upon consideration of the petition and other appropriate pleadings, the court may order the secretary of state to file the record or take other action the court considers appropriate, including the entry of orders affirming, reversing, or otherwise modifying the decision of the secretary of state. The court may order other relief, including equitable relief, as may be appropriate.
 - (C) The court's final decision may be appealed as in other civil proceedings.

AUTHORITY: section 400.9-526, RSMo Supp. 2001. Original rule filed Sept. 30, 2002. Emergency rule filed Feb. 10, 2003, effective Feb. 20, 2003, expires March 30, 2003. A proposed rule, which covers the same material, was published in the Nov. 1, 2002, issue of the Missouri Register, and an order of rulemaking to the proposed rule is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

EXECUTIVE ORDER 03-01

WHEREAS, IN 1803, President Thomas Jefferson selected Meriwether Lewis and William Clark to embark on one of the greatest adventures in history – to traverse the continental U.S. by following two rivers, the Missouri and the Columbia; and

WHEREAS, Lewis and Clark commenced their westward journey at the confluence of the nation's two great rivers, the Missouri and the Mississippi; and

WHEREAS, on September 23, 1806, the successful Lewis and Clark returned to St. Louis; and

WHEREAS, in 1813, William Clark was appointed Governor of Missouri, a post which he held until the incorporation of Missouri into statehood in 1820; and

WHEREAS, from 2003 to 2006, we will celebrate the bicentennial of the Lewis and Clark Expedition and the important role of Missouri in one of the greatest adventures in history.

NOW THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby rescind Executive Order 98-06 and establish the Missouri Lewis and Clark Bicentennial Commission whose composition will be as follows:

The Governor or his designee; the Secretary of State or his designee; the directors or their designees of the Department of Conservation, the Department of Natural Resources, the Division of Tourism, the Department of Elementary and Secondary Education, the Department of Transportation, and the Department of Public Safety; the director or his designee of the State Historical Society of Missouri; and eight (8) persons appointed by the Governor and such other members as the Governor may from time-to-time appoint. The Governor will designate two (2) members of the Commission as co-chairs.

The purpose of the commission is to rekindle the spirit of discovery, achievement and wonder fostered by the original exploration.

The Commission will recommend to the Governor and the citizens of Missouri effective means by which to observe the Bicentennial of the Lewis and Clark Expedition.

The Commission will promote public awareness of the important historical significance of the Missouri Territory and the Lewis and Clark Expedition, as well as, cultural tourism in and around the State of Missouri in relation to the Expedition and its legacies.

The Commission will serve as the official liaison between other Lewis and Clark Trail states and other public and private bicentennial committees to coordinate and plan activities that foster recognition of the Missouri Territory in the Lewis and Clark Expedition.

The Commission will report to the Governor in November of each year.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused to be affixed the Great
Seal of the State of Missouri, in the City of
Jefferson, on this 3rd day of February 2003.


Bob Holden
Governor

ATTEST:




Matt Blunt
Secretary of State

wji

**EXECUTIVE ORDER
03-02**

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is created pursuant to Section 660.010, RSMo, within the Department of Social Services; and

WHEREAS, the Division of Child Support Enforcement is created pursuant to Section 454.400, RSMo, within the Department of Social Services; and

WHEREAS, the Division of Family Services, Income Maintenance Unit serves clients who are also served by the Division of Child Support Enforcement; and

WHEREAS, federal law establishes the child support program and other public assistance programs, separately; and

WHEREAS, by combining the public assistance programs, such as food stamps, temporary assistance, rehabilitation services for the blind, general relief, supplemental nursing care assistance, medical assistance eligibility, and energy assistance, and the child support enforcement program, Missouri could operate more efficiently and effectively; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of these functions to a new Family Support Division within the Department of Social Services is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby establish the Family Support Division within the Department of Social Services and order the Department to:

1. Utilize the Family Support Division as the vehicle through which economies and efficiencies of scale are maximized by combining certain child support functions with certain income maintenance functions; and
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services into the Family Support Division, except individualized assessment for work readiness, work readiness training, child welfare functions, early childhood, and child care assistance, by Type I transfer, as defined under the Reorganization Act of 1974; and

3. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Child Support Enforcement to the Family Support Division, except the parents' fair share program, by Type I transfer, as defined under the Reorganization Act of 1974; and
4. Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003

Bob Holden
Bob Holden
Governor

ATTEST:

Matt Blunt
Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-03**

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is assigned to the Department of Social Services pursuant to Section 660.010, RSMo; and

WHEREAS, a number of efforts are being made to address problems that have been identified with Missouri's current child welfare system; and

WHEREAS, in September 2002, I appointed Richard C. Dunn and Judge Frank Conley to conduct an investigation into the Greene County child welfare system; and

WHEREAS, in November 2002, Mr. Dunn and Judge Conley completed their *Report of the Investigation of the Child Welfare System in Greene County*; and

WHEREAS, the child welfare system in this state requires immediate attention in order to avoid a greater breakdown in services and other serious problems; and

WHEREAS, I recently established the Office of Child Welfare Ombudsman within the Office of Administration by Executive Order 02-22; and

WHEREAS, streamlining children's services, and all of the functions related to them, will increase the focus on child protection; and

WHEREAS, every child in Missouri is entitled to a safe place to live.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby create and establish the Children's Division within the Department of Social Services and order the Department to:

1. Ensure the Children's Division is focused on protecting children in the state's care and identifying children at risk of abuse or neglect; and
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services relating to child welfare, child protection, child care assistance, and early childhood to the Children's Division, by Type I transfer, as defined under the Reorganization Act of 1974; and

3. Implement recommendations found in the *Report of the Investigation of the Child Welfare System in Greene County*; and
4. Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003.

A handwritten signature of Bob Holden in black ink.

Bob Holden
Governor

ATTEST:

A handwritten signature of Matt Blunt in black ink.

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-04**

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is created and established as a division of the Missouri Department of Social Services, pursuant to Section 660.010, RSMo; and

WHEREAS, the Division of Child Support Enforcement is created pursuant to Section 454.400, RSMo, within the Department of Social Services; and

WHEREAS, the Department of Economic Development is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, pursuant to Executive Order 99-03 and Chapter 620, RSMo, the Division of Workforce Development within the Missouri Department of Economic Development is the state agency designated to receive federal Wagner-Peyser funds, administer the free public employment offices, administer Workforce Investment Act funds, administer federal Welfare to Work grants, and administer other employment assistance programs for the citizens of Missouri; and

WHEREAS, the Missouri Department of Social Services is the state agency designated to receive Temporary Assistance for Needy Families (TANF) funds and administer programs under Title IV-A of the Social Security Act, as amended; and

WHEREAS, federal law requires adults in families receiving assistance under TANF to engage in work activities to be eligible to continue to receive assistance; and

WHEREAS, federal law requires determination of the skills, prior work experience, and employability of certain TANF recipients; and

WHEREAS, federal law authorizes work activities such as job search and job readiness assistance, on-the-job training, subsidized employment, education and child care services, or other related assistance for certain participants; and

WHEREAS, the Division of Family Services within the Missouri Department of Social Services currently administers the foregoing assessment, employment, training, and placement activities under TANF; and

WHEREAS, the Division of Child Support Enforcement within the Missouri Department of Social Services administers the Parents Fair Share Program, which provides assessment, employment, training, and placement activities for non-custodial parents; and

WHEREAS, the Division of Workforce Development in the Missouri Department of Economic Development and the Division of Child Support Enforcement and Division of Family Services within the Missouri Department of Social Services have worked closely together in the past in providing the foregoing work-related programs and performing the foregoing work-related functions; and

WHEREAS, the merging of workforce functions will create a "no wrong door access" to employment services, making sure that all clients receive the highest quality training, support services, and work activities, thus increasing the number of employed and employable Missourians; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of workforce and the Parents' Fair Share functions of the Department of Social Services to the Department of Economic Development is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order:

1. The transfer of assessment, employment, training, and placement functions under TANF from the Division of Family Services within the Missouri Department of Social Services to the Division of Workforce Development within the Missouri Department of Economic Development;

2. The transfer of all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services within the Department of Social Services related to assessment, employment, training, and placement functions authorized by TANF for custodial parents to the Division of Workforce Development within the Missouri Department of Economic Development, by Type I transfer, as defined under the Reorganization Act of 1974;
3. The transfer of assessment, employment, training, and placement functions in the Parent's Fair Share Program from the Division of Child Support Enforcement within the Missouri Department of Social Services to the Division of Workforce Development within the Missouri Department of Economic Development;
4. The transfer of all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Child Support Enforcement within the Department of Social Services related to assessment, employment, training, and placement services performed in the Parents Fair Share Program, authorized by TANF for non-custodial parents, to the Division of Workforce Development within the Missouri Department of Economic Development, by Type I transfer, as defined under the Reorganization Act of 1974;
5. That the Department of Social Services and its divisions shall provide the Division of Workforce Development with access to supportive services as may be necessary to accomplish the assessment, employment, training, and placement services that are transferred herein;
6. That the Department of Social Services and the Department of Economic Development develop the mechanisms and processes necessary to effectuate the transfer of the assessment, employment, training, and placement services as specified herein;
7. The continuation of contractual agreements for the administration of assessment, employment, training, and placement functions under the Missouri Food Stamp Employment and Training Program between the Division of Family Services of the Missouri Department of Social Services (or its successor agency) to the Division of Workforce Development within the Missouri Department of Economic Development;
8. The good faith negotiation of such contractual agreements by the Department of Social Services and the Department of Economic Development with the goal of providing the best services in an efficient manner; and
9. The relevant agency or agencies to ensure the filing of any necessary state plan amendments and other actions necessary to maintain compliance with federal requirements.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003.



Bob Holden
Governor

ATTEST:



Matt Blunt
Secretary of State

**EXECUTIVE ORDER NO.
03-05**

WHEREAS, the Department of Public Safety is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 650, RSMo; and

WHEREAS, the Division of Highway Safety is assigned to the Department of Public Safety pursuant to Section 650.005, RSMo; and

WHEREAS, the Missouri Department of Transportation is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 226, RSMo; and

WHEREAS, the Division of Highway Safety works to promote the safe operation of vehicles on or about the highways, roads, and streets of this state; and

WHEREAS, the Department of Transportation is tasked with supervision of the construction, maintenance, and operation of the state highway system; and

WHEREAS, the Division of Highway Safety and the Department of Transportation both engage in activities related to the state highway system and its safe operation; and

WHEREAS, the consolidation of these activities would increase efficiencies and eliminate duplication of efforts; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of the functions of the Division of Highway Safety to the Department of Transportation is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Missouri Department of Public Safety, the Division of Highway Safety, and the Missouri Department of Transportation to cooperate to:

1. Develop mechanisms and processes necessary to effectively transfer the functions of the Division of Highway Safety to the Department of Transportation;

2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Highway Safety to the Department of Transportation, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003

A handwritten signature in black ink that reads "Bob Holden".

Bob Holden
Governor

ATTEST:

A handwritten signature in black ink that reads "Matt Blunt".

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
03-06**

WHEREAS, the Missouri Office of Administration is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 37, RSMo; and

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, the State Office of Equal Employment Opportunity is created by Executive Order 94-03 within the Office of Administration to ensure that there are "no vestiges of discrimination against persons on account of race, sex, color, religion, national origin, age, disability, or veteran status in not only employment practices but the provision of services and operation of facilities"; and

WHEREAS, the Minority Business Advocacy Commission is established by Section 33.752, RSMo, to further the interests and assess the needs of minority businesses in Missouri; and

WHEREAS, Section 33.752.6(13), RSMo, states that the Minority Business Advocacy Commission is responsible for receiving complaints and recommendations concerning policies and activities of federal, state, and local governmental agencies that affect minority small businesses, and for developing proposals for changes in policies or activities to alleviate any unnecessary adverse effects to minority small business; and

WHEREAS, Section 33.752.7, RSMo, states that the Department of Economic Development shall furnish administrative support and staff for the effective operation of the Commission; and

WHEREAS, the Office of Administration and Department of Economic Development agree that the Minority Business Advocacy Commission will be enhanced through placement within the Office of Administration; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of the Minority Business Advocacy Commission to the Office of Administration is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Department of Economic Development and the Office of Administration to cooperate to:

1. Develop mechanisms and processes necessary to effectively transfer the Minority Business Advocacy Commission from the Department of Economic Development to the Office of Administration.
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Minority Business Advocacy Commission to the Office of Administration, by Type II transfer, as defined under the Reorganization Act of 1974.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003.

Bob Holden
Bob Holden
Governor

ATTEST:

Matt Blunt
Matt Blunt
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

(Bracketed text indicates matter being deleted.)

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 16—Missouri Department of Agriculture Organic Program

PROPOSED RULE

2 CSR 70-16.010 Definitions of the Missouri Department of Agriculture Organic Program

PURPOSE: This rule defines terms to be used when implementing the Missouri Department of Agriculture Organic Program.

(1) These definitions apply to all rules adopted and incorporated under authority of section 261.110, RSMo Supp. 2002, unless specified differently by statute or law.

(A) Certifying agent registration. "Certifying agent registration" means the mandatory act of filing with the director, on forms pro-

vided by or approved by the department, the name and address of any accredited certifying agent that certifies organic entities within the state of Missouri.

(B) Department. The "department" means the Missouri Department of Agriculture (MDA).

(C) Director. The "director" means the director of the Missouri Department of Agriculture, or designee.

(D) Missouri-based. "Missouri-based" means any organic entity with not less than fifty-one percent (51%) of the certified organic production area and of any production/handling facility(ies) located within the state's borders.

(E) NOP. "NOP" means the National Organic Program, as outlined in *Federal Register* Vol. 65, No. 246 NOP 7 CFR, Part 205.

(F) Organic entity. "Organic entity" refers to any producer or handler, and the production or handling site and/or facility, that utilizes methods that adhere to those required by NOP 7 CFR, Part 205.

(G) Organic registration. "Organic registration" means a voluntary act of filing with the director, on forms provided by or approved by the program.

(H) Program. "Program" means the Missouri Department of Agriculture (MDA) Organic Program.

(I) Transitional-to-organic. "Transitional-to-organic" means any Missouri-based agricultural producer or handler that is converting from conventional to organic production methods while adhering to NOP requirements.

AUTHORITY: section 261.110, RSMo Supp. 2002. *Original rule filed Jan. 3, 2003.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 16—Missouri Department of Agriculture Organic Program

PROPOSED RULE

2 CSR 70-16.015 The Adoption of NOP Standards

PURPOSE: This rule outlines the portions of NOP 7 CFR, Part 205 that will be adopted as Missouri Department of Agriculture (MDA) Organic Program standards.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost

of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The department adopts and incorporates by reference the following parts of the official rules and regulations of the National Organic Program (NOP), as outlined in *Federal Register* Vol. 65, No. 246 NOP 7 CFR Part 205; except for 2 CSR 70-16.010, or as the director designates otherwise in specific cases:

- (A) Subpart A—Definitions, all sections; except for those defined in 2 CSR 70-16.010;
- (B) Subpart B—Applicability, all sections;
- (C) Subpart C—Organic Production and Handling Requirements, all sections;
- (D) Subpart D—Labels, Labeling, and Market Information, all sections;
- (E) Subpart E—Certification, all sections;
- (F) Subpart F—General Requirements for Accreditation, all sections; and
- (G) Subpart G—Administrative.
 - 1. Sections 205.600 through 205.607.
 - 2. Sections 205.660 through 205.663.
 - 2. Sections 205.670 through 205.672.
 - 4. Sections 205.680 through 205.681.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.020 MDA Organic Program Advisory Board

PURPOSE: This rule establishes a Missouri Department of Agriculture (MDA) Organic Program Advisory Board and defines its duties.

(1) The department shall establish a Missouri Department of Agriculture (MDA) Organic Program Advisory Board for the purpose of advising the director with respect to his or her responsibilities under this chapter.

(A) The department shall maintain a copy of the purpose and duties of the MDA Organic Program Advisory Board, with a current listing of the members, which shall be available to the public upon request.

(B) The board members shall conduct annual review of the certification program activities, which may include a review of the certification decisions made by the program staff.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.025 Procedures for Organic Certification

PURPOSE: This rule outlines the procedures for application for organic certification or recertification by the Missouri Department of Agriculture (MDA) Organic Program, with associated fees.

(1) The application for organic certification of producers and handlers, as defined by the National Organic Program (NOP), 7 CFR, Part 205, shall be submitted to the department on an approved application form available from the program, or in a manner prescribed by the director. Applications shall only be received from Missouri-based organic entities.

(2) Initial application for certification shall be accompanied by the certification fee and completed information in compliance with NOP 7 CFR 205.401. The initial application shall be received by the program not less than sixty (60) days before harvest of crop or before final handling of the organic product.

(3) Once granted, certification continues in effect until surrendered by the certified entity, or is suspended or revoked by the department. An annual renewal application for certification must be submitted to the program with fee and information as required by NOP 7 CFR 205.406; and an annual reinspection shall be conducted by the program at each facility to determine whether the certification of the operation should continue.

(4) An application and inspection fee of one hundred dollars (\$100) shall accompany each application for organic certification. Total certification fees shall be assessed at the rate of:

(A) First year Certification Fee: Total certification fee shall be the initial application and inspection fee of one hundred dollars (\$100);

(B) Second year, and every year thereafter, Renewal Certification Fee: Renewal certification fees shall be as follows:

1. Total renewal certification fee shall be the combined initial application and inspection fee of one hundred dollars (\$100) for those organic entities with previous year's gross sales from organic production and/or handling of not more than fifty thousand dollars (\$50,000);

2. Renewal certification fees for organic entities with previous year's gross sales from organic production and/or handling of more than fifty thousand dollars (\$50,000) shall be the initial application and inspection fee of one hundred dollars (\$100), plus additional certification fees of one hundred dollars (\$100) for every one hundred thousand dollars (\$100,000) in gross sales from organic production and/or handling, not to exceed five hundred dollars (\$500);

3. If the organic entity does not want to reveal organic gross sales, the maximum five hundred dollar (\$500) certification fee will apply;

(C) The initial application and inspection fee and the certification fees are not prorated throughout the year, nor are they refunded if the application is withdrawn by the applicant or is denied by the director for any cause;

(D) All certification fees shall be due and payable before organic inspections will be conducted.

(5) Applications to continue certification are due one (1) year from date of the previous application. Any application postmarked fifteen (15) days after due date shall pay an additional late fee of one hundred dollars (\$100) to continue certification by the program.

(6) Certified organic entities may petition to withdraw certification with the program at any time. In order to withdraw certification, the applicant must submit the request in writing, with company name, address, and signature. A voluntary withdrawal of the certification application by the organic entity shall not result in a "Notice of Certification Denial."

(7) Any certified entity that withdraws the certification from the program or allows their certification to elapse may reapply for recertification, but will be considered to be a renewal application and shall pay the renewal certification fee.

(8) "Exempt" or "excluded" organic producers or handlers, as defined by the NOP 7 CFR 205.101, may apply to be certified "organic" by the program.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred eight thousand nine hundred dollars (\$108,900) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	2 CSR 70-16.025 Procedures for Organic Certification
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated in the aggregate as to the cost of compliance with the rule by the affected entities:	
		1 st year 2003	2 nd year 2004
50	Organic Handlers	\$5,000	\$ 30,000
30	Organic Livestock Producers	\$3,000	\$ 18,000
100	Organic Crops Producers	\$10,000	\$ 60,000
Annual Late Fees			\$ 900
Total Annual Fees		\$18,000	\$108,900
Estimated Annual Cost for 2 nd year (2004), and thereafter, of Compliance for the Life of the Rule			\$108,900

III. WORKSHEET

The first year certification fee is a combined application and inspection fee of one hundred dollars (\$100) per entity. The second year renewal fees are one hundred dollars (\$100) application and inspection fee, plus additional certification fees of one hundred dollars (\$100) for every one hundred thousand dollars (\$100,000) of the previous year's gross sales from certified organic production and/or handling, not to exceed five hundred dollars (\$500).

IV. ASSUMPTIONS

1. Figures are based on predicted number of organic handlers, and organic producers of crops and livestock in the state that will utilize the certification program. It is estimated that the same number of handlers and producers would participate in the program during the second year. Late fee is based upon five percent (5%) of individuals certified with the program.
2. It is anticipated that the total cost for the life of the rule may vary with inflation and is expected to increase as numbers of organic handlers and producers of crops and livestock increase until a plateau is reached; at which time, the total cost will become a static annual total cost.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.030 Records to be Maintained for Certification

PURPOSE: This rule describes the records that organic entities shall maintain for organic certification or recertification by the Missouri Department of Agriculture (MDA) Organic Program.

(1) Certified organic entities shall maintain records applicable to the organic operation for not less than five (5) years and shall make such records available to the program as required by National Organic Program (NOP) 7 CFR 205.103.

(A) All certified organic producers shall keep records for each commodity produced; including, but not limited to:

1. Physical address of each production site where crops grown;
2. Crop and site history for previous three (3) years of production;
3. Names of crops, with varieties, produced;
4. Input materials applied to plants, soil, water, and products.

These records shall include date applied, application rate, and name of material, including brand name where possible;

5. Handling and processing description, date, and location. Location shall include the name and address of the handler or processor;

6. Records of volume of all sales including: on-farm, wholesale, and retail; name and address of purchaser where possible; and transaction certificate when used;

7. Audit tracking system for each product identified, with lots numbers or other identifiers that facilitates tracking of product from seed or seedling to sale or release of physical control. Storage identification and bin location, and identifiable number if applicable, must be included.

(B) Certified organic livestock producers shall keep records; including, but not limited to:

1. Receipts for stock and materials;
2. Birth or purchase of livestock through sale or slaughter;
3. All disease and pest management materials administered including dates administered, material identification, dosages, and sources;

4. All purchased feeds including dates purchased, feed identification, quantities purchased, sources, and a copy of the organic certification;

5. Weight of slaughter animals at slaughter and weight of post-slaughter animal products;

6. Sales records of all organic animal products sold including dates, quantities, and weights. Sales records shall include the purchaser's name and address where possible and transaction certificate number when used;

7. If livestock graze any fields or consume any production crops, certification records of those fields or crops.

(C) Certified organic handlers shall maintain records that track ingredients and certified organic products from receiving through distribution, shipping, or sale; including, but not limited to:

1. An organic handler system plan;
2. Maps of production facility structures and handling areas;
3. Production flow charts, with organic control points highlighted;
4. Assigned production lot numbers;
5. Formulation for each product;
6. Product audit tracking records, which may include; but are not limited to:

A. Invoices;

- B. Bills of lading, and producer certificates for incoming products;
- C. Date and quantity of product processed or handled;
- D. Repack data and production run reports;
- E. Invoices and bills of lading of products shipped out.

(2) Handlers shall have available copies of organic certificates for all organic ingredients and products. Organic certificates shall be current, correspond to the organic ingredients used in processing, and be from accredited certifying agents.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two hundred thirty-six thousand one hundred dollars (\$236,100) in the aggregate to maintain certification records.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	2 CSR 70-16.030 Records to be Maintained for Certification
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated in the aggregate as to the cost of compliance with the rule by the affected entities:
50	Organic Handlers	\$ 75,120
30	Organic Livestock Producers	\$ 12,600
100	Organic Crops Producers	\$160,500
Total	Total Organic Handlers and Producers of Crops and Livestock	\$236,100
Estimated Annual Cost of Compliance for the Life of the Rule		\$236,100

III. WORKSHEET

Maintenance of records for organic handlers is estimated upon two (2) hours per run at approximately two-thousand, five hundred (2,500) total runs per year, plus eight (8) hours filling out certification application; total of five thousand, eight (5,008) aggregate hours.

Maintenance of records for organic livestock producers is estimated at two (2) hours, ten (10) times during the year, plus eight (8) hours filling out certification application; total of eight hundred, forty (840) aggregate hours.

Maintenance of records for organic crops producers is estimated at one (1) hour per day during planting and harvesting, at twelve (12) weeks, with two and one-half (2.5) hours per week during cultivation in summer, at six (6) weeks, plus eight (8) hours filling out certification application; total of ten thousand, seven hundred (10,700) aggregate hours.

IV. ASSUMPTIONS

1. The cost for the maintenance of records is based on fifteen dollars (\$15) per hour.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation, and is expected to increase with increased numbers of organic producers and handlers until a plateau is reached; at which time, the total cost will become a static annual total cost.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.035 Inspections and Sampling for Certification

PURPOSE: This rule outlines procedures that the Missouri Department of Agriculture (MDA) Organic Program will utilize for inspections and sampling of certification applicants and certified organic entities.

(1) An initial on-site inspection shall be conducted for each production unit, facility, and site that produces or handles organic products, as required by National Organic Program (NOP) 7 CFR 205.403. The inspector shall conduct an exit interview with the organic entity's authorized representative at the end of the inspection to verify the accuracy of the inspection. A copy of the exit interview summary shall be given to the applicant at the time of inspection, and a copy of the inspection report shall be provided to the applicant within a reasonable time following the inspection.

(2) The program shall conduct additional inspections to determine compliance to the NOP and department rules of an applicant or organic entity certified by the program when requested by the United States Department of Agriculture (USDA)-NOP administrator or by the department.

(A) Additional inspections may be conducted without notification at the discretion of the program.

(3) The department, or any inspection designee of the program, may collect samples of soil, products, or agricultural inputs from randomly or systematically selected organic entities certified by the program as part of the routine annual organic inspection. The department shall collect samples of soil, products, or agricultural inputs when there is reason to believe that land, an input, or product came into contact with a prohibited substance or that excluded methods were used.

(4) Applicants shall be provided with a receipt for any samples collected by the department, or by the designated inspector. The collected samples shall be analyzed by any qualified laboratory at the expense of the department.

(5) Results of the individual inspections, sampling, and test analyses shall be provided to the NOP administrator and the certified organic entity or applicant.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.040 Complaints and Investigations

PURPOSE: This rule outlines the criteria that the program will use to determine when to investigate complaints.

(1) Any person with knowledge of a violation of the National Organic Program (NOP) 7 CFR, Part 205, may file a complaint with the department.

(2) The department shall investigate complaints involving organic entities certified by the program. Complaints involving organic entities not certified by the program will be referred to the NOP administrator.

(3) The department, in cooperation with all pertinent state and federal agencies, may investigate certified or non-certified organic entities, whether certified by the program or not, upon determining that a need exists to protect public health and safety or preserve evidence that would justify an immediate investigation.

(A) This rule in no way negates the responsibilities of the certified and non-certified organic entities to meet the statutory mandates of Chapter 196, RSMo.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.045 Compliance Enforcement

PURPOSE: This rule outlines the criteria that the program shall use to determine when to implement compliance enforcement actions, and the procedures to be followed for the compliance actions.

(1) When it has been determined that an organic entity certified by the program is knowingly selling, representing, or labeling as organic any products that have been exposed to or contain prohibited substances, or that have been produced using prohibited substances or excluded methods, the program shall send the certified organic entity a written notification of suspension of rights to sell such product as organic.

(A) Such product is prohibited from further sale or movement, in accordance with National Organic Program (NOP) 7 CFR 205.6462(d). The department shall remove the suspension of rights to sell when the organic entity becomes compliant to requirements of the NOP 7 CFR, Part 205.

(2) The department may initiate a compliance action against an applicant for certification or an organic entity certified by the program that is not in compliance with NOP 7 CFR, Part 205.

(A) The department and applicants for certification shall follow procedures established in 7 CFR 205.405 in addressing noncompliance issues.

(B) The department and certified organic entities shall follow procedure established in 7 CFR 205.662 in addressing noncompliance issues.

(C) The department's procedure for denying certification shall adhere to that established in 7 CFR 205.405.

(D) Any notice of denial of certification or proposed suspension or revocation of certification shall state the organic entity's right to an informal hearing as provided by 7 CFR 205.663, Mediation.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.050 Certificates Issued as Result of Certification with the MDA Organic Program

PURPOSE: This rule outlines procedures for issuing certificates to organic entities that are certified by the program.

(1) The program shall issue a "Certificate of Organic Operation" to all organic entities that are certified by the program, with such information as required by 7 CFR 205.404.

(A) Such certificate shall continue in effect until surrendered by the certified organic entity, or is revoked by the program or by the administrator for cause, as required by 7 CFR 205.405.

(2) Transaction Certificates issued by the program may be used in sales transactions of certified organic products to identify that the products were produced or handled in accordance with National Organic Program (NOP) and program rules.

(A) The program shall issue the Transition Certificates upon written application from the organic entity, on forms approved by the program, which shall contain all information requested on the application.

(B) Transaction Certificates may be issued with the producer's identification number and an expiration date beyond which use is not

valid. User shall enter shipment information that includes the shipment date, product name, and volume of product, and may include the lot number if applicable.

(C) Transaction Certificates provided by the program shall only be used by organic entities certified by the program and only for products covered by program certification.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.055 MDA Organic Program Seal

PURPOSE: This rule establishes a Missouri Department of Agriculture (MDA) Organic Program Seal, and the criteria for use of the seal.

(1) The program shall establish a "Missouri Department of Agriculture (MDA) Organic Program Seal," identifying the program as the certifying agent. The seal shall be available for use by organic entities that are certified by the program, provided that such seal is used in compliance with National Organic Program (NOP) 7 CFR 205.303.

(2) The seal must replicate the form and design as adopted by the program.

(3) The seal may be duplicated in the original program seal colors or may be converted to black and white type-cast.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.060 Registration with the MDA Organic Program

PURPOSE: This rule outlines procedures for organic entities to be registered with the program, with associated fees.

(1) Producers and handlers that are converting to certified organic production or handling methods, but do not yet qualify for certification, may apply to be registered with the program as, “Transitional-to-Organic.”

(A) The application for registration as “Transitional-to-Organic,” shall be submitted to the program on an approved form, in the manner prescribed by the director, and shall be accompanied by a fifty dollar (\$50) application fee. The application fee is not prorated, nor is it refunded for any reason.

(B) The registrant shall submit a completed Organic System Plan to the program and shall use organic methods that adhere to National Organic Program (NOP) 7 CFR, Part 205.

(C) The program shall conduct an initial review of the applicant’s plan, and an inspection may be scheduled to reveal any possible deficiencies or noncompliance to NOP standards.

1. The applicant shall be notified in writing of the deficiencies or noncompliance found as a result of the review or inspection.

(D) After successful review of the Organic System Plan or initial inspection, the applicant shall be issued a “Transitional-to-Organic” certificate. The certificate shall continue in effect for one (1) year from date of issuance unless cancelled by the registrant, or the registrant is no longer deemed qualified by the director.

(E) An application, with an updated system plan and application fee, shall be made to the program annually from first date of issuance. The program shall review the application and may conduct annual reinspections to ensure continued compliance with NOP 7 CFR, Part 205. The “Transitional-to-Organic” certificate shall only be issued to an applicant for three (3) consecutive years for the same organic production or handling site.

(F) The “Transitional-to-Organic” certificate does not imply in any manner that the operation is certified “organic,” and products being produced from this registration program shall not in any way be sold, labeled, or represented as certified “100% Organic,” “Organic,” or “Made with Organic.”

(G) The “Transitional-to-Organic” certificate shall only be used for marketing purposes within the state of Missouri and shall only be used for raw and processed organically produced agricultural products when authorized by the department under this rule.

(2) The program shall provide a registration service designed to promote education of organic production methods and to provide organic marketing tools for Missouri’s organic farmers and handlers.

(A) All certified organic entities that are certified by the program shall be registered with the program.

(B) Certified entities within the state that are not certified by the program, but desire to be registered by the program, shall pay the registration fee of twenty-five dollars (\$25), but shall not be required to adhere to other requirements of this rule.

(C) Producers and handlers using organic production and handling methods that adhere to requirements of NOP 7 CFR, Part 205, Subpart C—Organic Production and Handling Requirements, and are direct marketing to their consumers, may apply to be registered with the program.

(D) The registration shall apply to the knowledge and/or use of organic procedures and methods, as opposed to a product being registered as “organic.”

(E) The application for registration shall be submitted to the program on an approved application form, as supplied by the director. A registration fee of twenty-five dollars (\$25) shall accompany each application for registration. Registration fee is not prorated throughout the year, nor is it refunded.

1. Producers shall provide a site map, detailing size and shape of the site.

2. Handlers shall provide a process flow chart.

3. Landscape architects shall provide a plan outlining landscaping procedures that result in soil improvements and maintenance of natural resources.

(F) Registration shall be in effect from January 1 of the year registered and shall continue to be in effect through December 31 of the year it was issued unless cancelled by the registrant or by the director pursuant to sections (5) and (6) of this rule.

(G) No initial registration application shall be approved until the applicant has demonstrated knowledge of organic methods and procedures. Knowledge may be demonstrated by participating in educational training sessions sponsored by the program, or other program-approved methods; and by passing an examination provided by the director. Renewal applicants shall not be required to participate in further educational sessions to continue registration with the program.

(H) Registrants agree to assist with educational sessions promoting organic production, handling, and marketing methods. The registrant may alternatively choose to serve on program-designated peer groups to educate registrants about organic procedures and methods when the department receives inquiries.

(I) The department shall issue a registration certificate to qualified applicants. A database listing of all registrants shall be maintained by the department and shall be made available to the public as a marketing tool for the registrants.

(J) If the director refuses registration for any reason, the applicant shall be notified by writing of the reasons thereof. An informal hearing will be granted upon notification of denial when requested by the applicant.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities fifteen thousand dollars (\$15,000) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	2 CSR 70-16.060 Registration with the MDA Organic Program
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated in the aggregate as to the cost of compliance with the rule by the affected entities:
50	Participants in transitional-to-organic program	\$2,500
500	Participants in registration program	\$12,500
Total	Annual participants in transitional-to-organic and registration program	\$15,000
Estimated Annual Cost of Compliance for the Life of the Rule		\$15,000

III. WORKSHEET

IV. ASSUMPTIONS

1. Assumption is made that there will be fifty (50) organic producers and handlers participating in the transitional-to-organic program annually and five hundred (500) producers participating in the registration program annually.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation, and is expected to increase with increased number of transitional-to-organic handlers and producers and those producers who wish to participate in the registration program until a plateau is reached; at which time, the total cost will become a static annual total cost.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.065 Inspection and Sampling for Registration

PURPOSE: *This rule outlines inspection and sampling procedures of applicants and registrants with the program.*

(1) The program, or designated inspector, may conduct on-site inspections of each registered producer or handler.

(2) All on-site inspections shall be conducted at such time that the applicant, or an authorized representative of the applicant, can be present; and when land, facilities, or activities demonstrate the applicant's compliance with, or capability to comply with, registration requirements. This does not apply to inspections for the purposes of complaint investigations.

(3) A written Notice of Inspection shall be completed at the time of inspection, detailing any results of the inspection, or any observations made by the inspector, that would result in approval or denial of the application. A copy of the Notice of Inspection shall be given to the applicant, or authorized representative of the applicant, at the time of inspection.

(4) The program, or designated inspector, may conduct re-inspections as deemed necessary to investigate complaints. The program may deny, suspend, or revoke the registration of an organic entity when such organic entity is found to not be in compliance with this rule.

(5) Any denial of entry for inspection purposes will be considered grounds for denial of registration.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.070 Marketing When Registered with the MDA Organic Program

PURPOSE: *This rule describes the use of the "Registered by the MDA Organic Program" logo.*

(1) The program shall issue a numbered logo stating, "Registered by the MDA Organic Program." The logo shall be annually dated to ensure that the registrant has currently completed registration requirements and shall be made available to the registrant on an annual basis.

(2) The registrant may display the logo, or copies of the logo, on marketing information used at the location where conducting business; but the logo shall not be attached directly to a product label.

(3) The "Registered by the MDA Organic Program" logo shall only be used for marketing purposes within the state of Missouri and shall only be used for raw and processed organically produced agricultural products when authorized by the program.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program; PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

PROPOSED RULE

2 CSR 70-16.075 Organic Certifying Agent Registration

PURPOSE: *This rule outlines the procedures for certifying agents that certify organic entities in the state of Missouri to register with the program.*

(1) Any certifying agent that certifies organic entities within the state shall be required to submit an application for registration with the program. A listing of registered certifying agents shall be maintained by the program and shall be made available to the public upon request.

(2) Registration shall be in effect from January 1 of the year registered and shall continue to be in effect through December 31 of the year it was issued, unless cancelled by the registrant or by the director pursuant to sections (6) and (7) of this rule.

(3) An annual registration fee of twenty-five dollars (\$25) shall accompany each application. Registration fee is not prorated throughout the year nor refunded if denied for any reason.

(4) Registration renewal applications shall be submitted within fifteen (15) working days from last valid date of registration. Any applicant who fails to comply with registration renewal requirements shall pay a fifty dollar (\$50) late fee in addition to the annual registration fee to become eligible for registration renewal.

(5) The application for registration shall be submitted to the program on an approved application form in the manner prescribed by the director. The application shall include information about:

- (A) Business name and address of certifying agent;
- (B) Name and address of certifying agent's authorized representative;
- (C) Listing of organic entities' names and addresses located within the state of Missouri certified by the certifying agent;
- (D) The category of organic entity, whether of production or handling.
 - 1. If production, total organic acreage or square footage of land located in the state, and gross sales generated by organic entity.
 - 2. If handling, total gross sales generated by facilities located in the state.
 - 3. Years organic entity has been certified by certifying agent.

(6) Any certifying agent found to be certifying organic entities located within the state may be assessed a fee up to five hundred dollars (\$500) per violation for failure to register with the program. An order assessing the fee shall state the manner of collection, with a notice to a right to an informal hearing.

(7) If the state refuses registration to a certifying agent for any reason, the applicant shall be notified by writing of the reasons thereof. An informal hearing shall be granted upon notification of denial when requested by the applicant.

(A) The applicant has the right to appear before the director within thirty (30) days from time of postmark on the written "Denial of Registration" or "Suspension or Revocation of Registration" letter to introduce evidence; either in person or by an agent or attorney at an informal hearing.

(B) If, after such hearing, or if the defendant or the defendant's agent or attorney fails or refuses to appear, the director determines that the evidence warrants refusal of registration, the director shall proceed as herein provided.

(C) If any applicant is adversely affected by an act, order, or ruling made pursuant to the provisions of this rule, an appeal may be filed according to procedures established by sections 536.050 through 536.160, RSMo Supp. 2002.

AUTHORITY: section 261.110, RSMo Supp. 2002. Original rule filed Jan. 3, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Organic Program, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 140—Division of Finance
Chapter 2—Banks and Trust Companies

PROPOSED AMENDMENT

4 CSR 140-2.055 Purchase of [Key-Man] Bank Owned Life Insurance. The Missouri Division of Finance proposes to amend the purpose and sections (2)–(4) and adding new sections (3) and (4) of this regulation by addressing various bank owned life insurance products.

PURPOSE: This amendment is necessary to respond to evolving practices in the banking industry related to banks and life insurance.

PURPOSE: The Division of Finance routinely receives inquiries about the purchase of [single premium] life insurance [as an investment]. Some bankers indicate they have considered purchasing [large single premium] life insurance policies and treating the cash surrender value as a significant portion of the bank's capital account. A bank may, within the bank's incidental powers, purchase life insurance reasonably related to a legitimate bank interest. A bank may not purchase life insurance for investment purposes. This rule sets guidelines for the purchase of [Key-Man] bank owned life insurance.

(2) A bank may purchase life insurance to indemnify itself against the loss of key management personnel. The amount of insurance purchased must be reasonable in relation to the size and needs of the bank. Also, the board of directors must document the basis upon which it determines who qualifies to be covered by the insurance. The board must document the basis for determining the amount of insurance needed to indemnify the bank against the death of each individual. The bank must document and be able to demonstrate an insurable interest and a legitimate insurance need when insuring a key person. The authority to hold such a policy lapses if, because of a change in employment status or responsibilities, the individual is no longer considered a key person.

(3) A bank may purchase life insurance in conjunction with providing employee compensation and benefits or when the insurance is paid in part to the bank and to the employee, which is commonly referred to as split dollar insurance. A bank may also purchase life insurance in connection with an employee compensation and benefit plan. The bank's funding obligation must be reasonable and the projected cash flow from a life insurance policy must not substantially exceed the projected liabilities to fund the compensation or benefit program. Such life insurance policies may be held only so long as the bank's liability under the associated compensation or benefit plan continues.

(4) A bank may purchase, at the bank's expense, insurance on the life of a borrower to protect its interest in the event of the death of the borrower. The maximum amount of insurance should not exceed the principal balance of the borrower's obligation. Similarly, a bank may take security interest in an existing policy. In no event may the bank's decision to make a loan be based on the availability of the insurance proceeds for repayment of the loan.

[(3)] (5) Accounting for *[these]* bank owned life insurance policies must be consistent with the requirements of generally accepted accounting principles. However, in no event may a bank carry the value of that policy as an asset on its books in an amount which exceeds the current cash surrender value of the policy.

[(4)] (6) The cash surrender value of the policy represents funds due from a corporation and therefore may not exceed the limit on loans to one (1) borrower set by section 362.170, RSMo. The legal loan limit also will apply to the aggregate book value of all policies, including subsequent earnings, which are purchased from the same company. The bank should examine the financial condition of the insurance company before purchasing the policy and maintain access to and periodically review recent financial statements of the insurance company. Finally, if the aggregate cash surrender value of all these policies owned by the bank is large in relation to the bank's total capital account, these amounts will be considered a concentration of credit.

AUTHORITY: sections 361.105, RSMo [1986] 2000 and 362.105, RSMo Supp. [1992] 2001. Original rule filed Aug. 22, 1991, effective Feb. 6, 1992. Amended: Filed Jan. 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Economic Development, Division of Finance, Steven M. Geary, Senior Counsel, PO Box 716, Jefferson City, MO 65102-0716. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m., March 20, 2003, at the Harry S Truman State Office Building, Room 850, 301 West High Street, Jefferson City, Missouri.

Title 4—DEPARTMENT OF ECONOMIC

DEVELOPMENT

Division 140—Division of Finance

Chapter 2—Banks and Trust Companies

PROPOSED AMENDMENT

4 CSR 140-2.140 Preservation of Books and Records. The Missouri Division of Finance proposes to amend section (1) of this regulation by adding additional forms of record preservation.

PURPOSE: This amendment is necessary to reflect current statutes.

(1) The following Appendix A, **included herein**, lists the minimum times for preservation of books and records by state-chartered banks and trust companies. Where other law requires a longer retention, the greater period should be observed. Preservation on microfilm, *[or]* microfiche **or by means of electronic storage** is acceptable.

AUTHORITY: sections 361.105 [RSMo 1986] and 362.410, RSMo [Supp. 1988] 2000. Original rule filed Aug. 3, 1988, effective Nov. 11, 1988. Amended: Filed Jan. 16, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Economic Development, Division of Finance, Steven M. Geary, Senior Counsel, PO Box 716, Jefferson City, MO 65102-0716. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m., March 20, 2003, at the Harry S Truman State Office Building, Room 850, 301 West High Street, Jefferson City, Missouri.

Title 4—DEPARTMENT OF ECONOMIC

DEVELOPMENT

Division 140—Division of Finance

Chapter 11—Small, Small Loan Companies

PROPOSED RESCISSION

4 CSR 140-11.010 Small, Small Loan Companies—Licensing and General Provisions. The Missouri Division of Finance proposes to

rescind this regulation. This regulation established guidelines concerning obtaining licenses, which locations required a license, and other general provisions.

PURPOSE: The Division of Finance rescinds this regulation as unnecessary and obsolete.

AUTHORITY: section 408.500, RSMo Supp. 1990. Emergency rule filed Dec. 11, 1990, effective Jan. 1, 1991, expired April 30, 1991. Emergency rule filed April 8, 1991, effective April 30, 1991, expired Aug. 27, 1991. Original rule filed Dec. 11, 1990, effective July 8, 1991. Rescinded: Filed Jan. 16, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Division of Finance, Steven M. Geary, Senior Counsel, PO Box 716, Jefferson City, MO 65102-0716. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m., March 20, 2003, at the Harry S Truman State Office Building, Room 850, 301 West High Street, Jefferson City, Missouri.

Title 4—DEPARTMENT OF ECONOMIC

DEVELOPMENT

Division 140—Division of Finance

Chapter 11—Small, Small Loan Companies

PROPOSED RESCISSION

4 CSR 140-11.020 Small, Small Loan Companies—Recordkeeping. The Missouri Division of Finance proposes to rescind this regulation. This regulation established minimum record-keeping requirements to facilitate examination and regulation.

PURPOSE: The Division of Finance rescinds this regulation as unnecessary and obsolete.

AUTHORITY: section 408.500, RSMo Supp. 1990. Emergency rule filed Dec. 11, 1990, effective Jan. 1, 1991, expired April 30, 1991. Emergency rule filed April 8, 1991, effective April 30, 1991, expired Aug. 27, 1991. Original rule filed Dec. 11, 1990, effective July 8, 1991. Rescinded: Filed Jan. 16, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Division of Finance, Steven M. Geary, Senior Counsel, PO Box 716, Jefferson City, MO 65102-0716. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m., March 20, 2003, at the Harry S Truman State

Office Building, Room 850, 301 West High Street, Jefferson City, Missouri.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 140—Division of Finance
Chapter 11—[Small, Small Loan Companies] Section 500 Companies

PROPOSED RULE

4 CSR 140-11.030 Licensing and General Provisions

PURPOSE: *Section 500 companies are required by section 408.500.1 to 408.506, RSMo, to obtain a license from the director of finance. This rule establishes guidelines concerning licenses, which locations will require a license and other general provisions.*

(1) **License.** The license issued by the Division of Finance shall specify the location of the section 500 company and shall be prominently displayed therein. The license shall not be transferable or assignable except that the company named in any original license may obtain a change of address without charge, upon approval of the director.

(2) **Display of Notice.** The notice required by section 408.500.4, RSMo shall be prominently displayed in the section 500 company office. The notice shall be clearly readable from any place in the office where loans are closed and shall include the name, address, and telephone number of the Division of Finance.

(3) **Locations.** The conduct of other business on the premises will not bar the issuance of a section 500 company license but the records of the company must be kept strictly separate from those of any other enterprise. Further, there should be enough of a distinction, through the use of signage or other means, that the customer can determine that s/he is dealing with a separate company. Under no circumstances will more than one (1) section 500 company license be issued to the same address.

(4) **Additional Locations.** Any location at which a section 500 company permits the acceptance or execution of any forms or documents relating to section 500 company business shall be deemed to be a place of business of the company and shall require a separate license.

(5) **Contract Copies.** A section 500 company shall provide the borrower with a copy of the signed contract at the time the loan is made and at each renewal. The company shall also retain a copy for the borrower's file. Each contract shall contain the name and address of the lender and of the borrower.

(6) **Interest—Loan Origination Fee—When Earned.** Section 408.500.5, RSMo provides that a loan repaid by the close of the section 500 company's next full business day shall be at no cost to the borrower. Section 500 loans which are not so repaid shall bear daily interest to be determined by applying the contract rate of interest to the principal balance and dividing that result by the number of days in the year. The loan origination fee, if permitted by section 408.140.1(1), RSMo is earned at the time the loan is made, unless the borrower returns the full principal balance by the end of the section 500 company's next full business day. The fee is only available on loans with terms of thirty (30) days or longer.

(7) **Post-Dated Check.** A post-dated check shall not be considered security or collateral; provided, however, that no post-dated check may bear any date earlier than the due date of the loan. A section 500 company shall not accept undated checks, checks that have been

altered in any manner, or checks that do not bear the signature of the borrower. Should any such check be accepted, or should any post-dated check be deposited prior to its stated date, the section 500 company shall be barred from recovery of any interest or fees on the loan. A section 500 company shall not accept more than one (1) post-dated check per loan or renewal. A check left with a section 500 company shall be returned to the maker immediately upon payment, or renewal, of the loan.

(8) **Renewals.** The General Assembly has clearly indicated its intention that no borrower is to be indebted to a section 500 company for any great period of time. This is evidenced by language that a) requires the borrower to begin reducing the principal amount of the loan by not less than five percent (5%) with the first renewal, b) limits the number of renewals to six (6), and c) provides for seventy-five percent (75%) of the original loan amount as the maximum amount of interest and fees that a lender may collect. In determining whether a renewal or something else which does not count as a renewal has occurred, the Division of Finance will insist upon absolute good faith from its licensees and will look to substance rather than form. Generally, if the customer enters the office indebted and leaves the office indebted, a renewal will be assumed to have taken place unless the loan was paid in full in cash. A section 500 company is required by section 408.500.7, RSMo to consider, at the inception of the loan, the borrower's ability to repay. This requires the section 500 company to consider the borrower's ability to make the required principal reductions when necessary. Exceptions to this requirement may result in enforcement as provided in sections 408.500.9 and 408.500.10, RSMo, which may include fines and/or revocation or suspension of the license. If a loan is renewed without the required principal reduction, the section 500 company shall reduce the principal of the loan to an amount that is consistent with the requirements of section 408.500.6, RSMo.

(9) **Collection by Automated Clearing House (ACH).** Checks may be presented for collection using an automated clearing house; however, a section 500 company shall not use a series of ACH transactions to collect a single check. Fees for dishonored ACH transactions shall be limited to those for refused instruments.

(10) **Receipt for Payments.** A receipt shall be given for the amount of each payment made in currency.

(11) **Penalties.** Violations of this rule shall be regarded as violations of sections 408.500.1 to 408.506, RSMo and subject to the same penalties as provided in sections 408.500.9 and 408.500.10, RSMo.

AUTHORITY: *sections 361.105, RSMo 2000 and 408.500, RSMo Supp. 2002. Original rule filed Jan. 16, 2003.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, Division of Finance, Steven M. Geary, Senior Counsel, PO Box 716, Jefferson City, MO 65102-0716. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m., March 20, 2003, at the Harry S Truman State Office Building, Room 850, 301 West High Street, Jefferson City, Missouri.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 140—Division of Finance
Chapter 11—Section 500 Companies

PROPOSED RULE

4 CSR 140-11.040 Record Keeping

PURPOSE: Section 500 companies are subject to regulation and examination by the Division of Finance, pursuant to sections 408.500.1 to 408.506, RSMo, for the purpose of assuring compliance with all applicable laws. This rule establishes minimum record keeping requirements to facilitate examination and regulation.

(1) Books and Records. No special system of records is required by the director of finance. The records of a section 500 company will be considered sufficient if they include a cash journal, double-entry general ledger or a comparable record, and an individual account ledger. The records of the business of each registered office shall be maintained so that the assets, liabilities, income, and expenses may be readily ascertained.

(2) Cash Journal. A cash book or cash journal shall contain a chronological record of the receipt and disbursement of all funds including all items of receipt or expenditures incidental to the granting or collection of section 500 company loans. Entries in the cash journal shall be separate from all other business activities.

(3) General Ledger. The general ledger shall be posted at least monthly. A trial balance sheet and profit-and-loss statement shall be available to the examiner. When the general ledger is kept at a central office other than the location of the registered office, the central office shall provide information required by this section.

(4) Account Ledger. An individual record shall be kept for each borrower which shall include at least the following items:

- (A) Name of the borrower;
- (B) Date the original loan was made;
- (C) Original loan amount;
- (D) Interest rate;
- (E) Dates payments were received;
- (F) Amount of each payment received;
- (G) Amount of each payment applied to interest;
- (H) Amount of each payment applied to principal;
- (I) Amount applied to late charges, if any;
- (J) Amount applied to returned check charges, if any;
- (K) Principal balance; and
- (L) Renewal number.

(5) Records Available. All books, records and papers, including the contracts and applications, shall be kept in the office of the section 500 company and made available to the Division of Finance for examination at any time without previous notice. When contracts are hypothecated or deposited with a financial institution or other party in connection with credit, access must be provided for the examiner pursuant to agreement between the section 500 company and the other financial institution(s).

(6) Handling of Errors. When an error is made on the individual ledger or general ledger of a manual operation, a single thin line, preferably in red, shall be drawn through the improper entry and the correct entry made on the following line. No erasures whatsoever shall be made in any record.

(7) Records to be Maintained. A section 500 company shall preserve all records of company transactions, including cards used in a card system, if any, for at least two (2) years after making the final entry

with respect to any section 500 company agreement. Preservation of records may be by microfilm, microfiche or electronic means.

(8) Contracts Paid in Full. When a section 500 note is paid in full, the original contract or a copy thereof shall be marked "paid" and returned to the borrower.

(9) Penalties. Violations of this rule shall be regarded as violations of sections 408.500.1 to 408.506, RSMo and subject to the same penalties as provided in sections 408.500.9 and 408.500.10, RSMo.

AUTHORITY: sections 361.105, RSMo 2000 and 408.500, RSMo Supp. 2002. Original rule filed Jan. 16, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, Division of Finance, Steven M. Geary, Senior Counsel, PO Box 716, Jefferson City, MO 65102-0716. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m., March 20, 2003, at the Harry S Truman State Office Building, Room 850, 301 West High Street, Jefferson City, Missouri.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 30—Division of Administrative and Financial
Services**
Chapter 4—General Administration

PROPOSED RESCISSION

5 CSR 30-4.010 General Provisions for Federal Programs. This rule established state finance regulations for federal programs to agree with federal regulations.

PURPOSE: This rule is being rescinded as the administrative and fiscal requirements are contained in the Education Division General Administrative Regulations (EDGAR).

AUTHORITY: section 178.430, RSMo 1986. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Amended: Filed May 13, 1976, effective Sept. 1, 1976. Amended: Filed May 12, 1978, effective Aug. 14, 1978. Amended: Filed Aug. 13, 1980, effective Nov. 14, 1980. Amended: Filed July 23, 1982, effective Nov. 15, 1982. Rescinded: Filed Jan. 14, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Division of Administrative and Financial Services, Attn: Gerri Ogle, Associate Commissioner, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after

publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 50—Division of School Improvement
Chapter 355—No Child Left Behind

PROPOSED RULE

5 CSR 50-355.100 Persistently Dangerous Schools

PURPOSE: This rule will be used in Missouri to establish state compliance with the federal requirement set forth in the No Child Left Behind Act of 2001, and to determine if any Missouri public elementary and secondary schools are “persistently dangerous.”

(1) The following definition(s) apply to this rule:

(A) Expulsions are defined as removal from school by local board action for an indefinite period of time until student is reinstated by local board of education.

(2) A Missouri public elementary or secondary school is persistently dangerous if the following conditions exists:

(A) In each of three (3) consecutive years:

1. The school has a federal and/or state gun-free schools violation; or

2. A violent criminal offense as set forth below is committed on school property which includes but is not limited to school buses or school activities; and

(B) In any two (2) years within the three (3)-year period listed above, the school experienced expulsions by local board action, for drug, alcohol, weapons or violence that exceed one (1) of the following rates:

1. More than five (5) expulsions per year for a school of less than two hundred fifty (250) students;

2. More than ten (10) expulsions per year for a school of more than two hundred fifty (250) students but less than one thousand (1,000) students; or

3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

(3) A student shall be allowed to attend a safe public school within the district, if that student is enrolled in a persistently dangerous school as defined above or becomes a victim of a violent criminal offense while on school property which includes but is not limited to school buses or school activities.

(4) For the purpose of this rule, a “violent criminal offense” shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency pursuant to section 160.261, RSMo and those offenses that would bar a student from readmission to school pursuant to section 167.171, RSMo. Violent criminal offenses shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data. Violent criminal offenses are as follows:

- (A) Murder 1st Degree under section 565.020, RSMo;
- (B) Murder 2nd Degree under section 565.021, RSMo;
- (C) Kidnapping under section 565.110, RSMo;
- (D) Assault 1st Degree under section 565.050, RSMo;
- (E) Forcible Rape under section 566.030, RSMo;
- (F) Forcible Sodomy under section 566.060, RSMo;
- (G) Burglary 1st Degree under section 569.160, RSMo;
- (H) Burglary 2nd Degree under section 569.170, RSMo;
- (I) Robbery 1st Degree under section 569.020, RSMo;
- (J) Distribution of Drugs under section 195.211, RSMo;

(K) Distribution of Drugs to a Minor under section 195.212, RSMo;

(L) Arson 1st Degree under section 569.040, RSMo;

(M) Voluntary Manslaughter under section 565.023, RSMo;

(N) Involuntary Manslaughter under section 565.024, RSMo;

(O) Assault 2nd Degree under section 565.060, RSMo;

(P) Sexual Assault under section 566.040, RSMo;

(Q) Felonious Restraint under section 565.120, RSMo;

(R) Property Damage 1st Degree under section 569.100, RSMo;

(S) Possession of a Weapon under Chapter 571, RSMo;

(T) Child Molestation 1st Degree under section 566.067, RSMo;

(U) Deviate Sexual Assault under section 566.070, RSMo;

(V) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or

(W) Sexual Abuse under section 566.100, RSMo.

(5) A Missouri public elementary or secondary school shall receive technical assistance from DESE staff which includes but may not be limited to a site visit to work with building and district staff to prepare and implement a plan to prevent the building from meeting the criteria for a second year if it has:

(A) In any one (1) year:

1. A federal or state gun-free schools violation; or

2. A violent criminal offense, as set forth above, on school property; or

(B) In any one (1) year, expulsions by local board action for drugs, alcohol, weapons or violence that exceed one (1) of the following rates:

1. More than five (5) expulsions for schools of less than two hundred fifty (250) students;

2. More than ten (10) expulsions for schools of more than two hundred fifty (250) students, but less than one thousand (1,000) students; or

3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

AUTHORITY: sections 167.171, RSMo 2000, 160.261, RSMo Supp. 2001, and 161.092, RSMo Supp. 2002. Original rule filed Jan. 14, 2003.

PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions up to forty thousand dollars (\$40,000) in Fiscal Year 2004 with the cost recurring annually over the life of the rule.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, ATTN: Dr. Bert Schulte, Assistant Commissioner, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Title: 5 – Department of Elementary and Secondary Education
Division: 50 – Division of School Improvement
Chapter: 355 – No Child Left Behind
Type of Rulemaking: Proposed Rule
Rule Number and Name: 5 CSR 50-355.100, Persistently Dangerous Schools

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public Elementary and Secondary School Districts	Cost of providing alternative program \$20,000 (Transportation, out-of-district tuition.) Federal funds will be used for these activities.
Department of Elementary and Secondary Education (DESE)	Prevention programs - \$20,000 (Training, materials, substitute costs.) Federal funds will be used for these activities.

III. WORKSHEET

Transportation - \$13,500; Out-of-district tuition - \$6,500; Training \$300 X 50 = \$15,000; Materials - \$1,520; Substitute costs \$60 X 58 = \$3,480.

IV. ASSUMPTIONS

Cost of compliance for public elementary and secondary school districts is based on the number of students involved in a violent crime, the tuition to be paid to a neighboring school, the number of visitations a teacher would have to home school a student, and the cost of providing an alternative program for a student being located outside of their district. The cost for DESE depends on preventive measures that need to be taken and the number of site visits to schools.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
**Division 20—Labor and Industrial
Relations Commission**
**Chapter 3—Rules Relating to Division of
Workers' Compensation**

PROPOSED AMENDMENT

8 CSR 20-3.030 Review of Awards or Orders Issued by Administrative Law Judges. The commission is amending section (5) and deleting the form following the rule in the *Code of State Regulations*.

PURPOSE: This amendment sets out specific requirements for the format of the briefs and clarifies the required contents of the briefs

(5) Briefs, Typewritten. Briefs filed in any case pending before the commission shall be typewritten. The original and two (2) copies shall be filed with the commission and a copy served upon the opposing party(ies).

(A) All briefs shall be subject to the following requirements:

1. Be on paper of size eight and one-half inches by eleven inches (8 1/2" × 11");
2. Be on paper weighing not less than nine (9) pounds to the ream;
3. Be typed on one (1) side of the paper;
4. Have a left, right, bottom, and top margin of not less than one inch (1"). Page numbers may appear in the bottom margin, but no other text may appear in the margins;
5. Have all pages consecutively numbered;
6. Use characters throughout the briefs, including footnotes that are not smaller than thirteen (13) font, Times New Roman on Microsoft Word;
7. Be double-spaced, except the cover, if any, certificate of service and signature block may be single-spaced.

(B) The brief of the petitioner shall not exceed thirty (30) pages. A respondent's brief shall not exceed twenty-five (25) pages. A reply brief is not required or suggested but if the petitioner believes it is necessary to file a reply, it shall not exceed eight (8) pages. A reply brief must be filed within ten (10) days of receipt of the respondent's brief. A cover sheet or index to the brief need not be counted in the page limitation but any attachments, exhibits or appendices to the brief will be considered as pages of the brief and subject to the page limitation for the entire brief. (Parties should note that the commission file contains the award and decision of the administrative law judge along with a complete transcript of the record. It is unnecessary to attach any of these materials to the brief. Any other attachment would not be of record and not subject to consideration, which is limited to the record or transcript of the hearing.) Any brief submitted which is not in compliance with the above may not be considered.

(C) The brief of the party requesting the application for review shall contain a fair and concise statement of facts without argument. The respondent may supplement the statement of facts if necessary. No jurisdictional statement is necessary unless jurisdiction is at issue. (Parties are advised that recitations of basic legal principles of workers' compensation law are not necessary and are discouraged. The commission is aware of principles such as that the burden of proof is on the employee, the law is to be liberally interpreted in favor of the employee, and that the commission may make its own determination of the facts, and credibility of the witnesses including experts.) The briefs shall identify the issues in dispute and address those issues only. The briefs should state concisely the factual or legal support for the party's positions. Lengthy recitation of facts or cases without identifying how they relate to the party's position will not be considered. Briefs of all parties should clearly outline and explain

the issues in dispute and contain a conclusion in detail as to the decision, award or action requested from the Labor and Industrial Relations Commission.

AUTHORITY: section 286.060, RSMo [Supp. 1997] 2000. This version of rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed March 16, 1992, effective Sept. 6, 1992. Amended: Filed Nov. 17, 1998, effective April 30, 1999. Amended: Filed Jan. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Labor and Industrial Relations Commission, Attn: John P. Madigan, PO Box 599, Jefferson City, MO 65102-0599. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-2.340 Control of Emissions from Lithographic Printing [Facilities] Installations. The commission proposes to amend the rule title; amend subsections (1)(B) and (4)(C); amend headers on original sections (2), (3), (4) and (5); add new subsection (2)(I); renumber original subsections (5)(A) and (5)(C); renumber and amend original subsection (5)(B) and section (7); and delete section (6). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This amendment corrects an error in the applicability formula. This error can cause an understating of volatile organic compound (VOC) emissions and may be removing installations in an ozone maintenance area from applicability of this rule. Also, all sections of this rule are proposed to be restructured for consistency with the rule organization format and will clarify rule language to assist in enforcement of the rule. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is notification of problems in interpreting the calculation from Kansas City Regional Office.

(1) Applicability.

(B) This regulation shall apply to installations that have *calculated actual volatile organic compound (VOC) emissions for a known number of crewed hours, increased by the amount by weight of VOCs whose emission into the atmosphere is prevented by the use of air pollution control devices and extrapolated to eight thousand seven hundred sixty (8760) hours per year to be equal to or greater than one hundred (100) tons per year from offset lithographic printing presses*

after December 9, 1991. To demonstrate this by formula. This regulation applies if—

$$[IE \times (1 - C) + EI] \times \frac{8760}{H} \geq 100 \text{ tons per year}$$

where

E = actual emissions during period of time H
 C = overall control efficiency of control device(s)
 H = number of crewed hours.]

uncontrolled potential to emit volatile organic compound (VOC) emissions greater or equal to one hundred (100) tons per year. To calculate the installation wide uncontrolled potential to emit VOC emissions, the following factors shall be taken into consideration unless an alternative method is approved by the director:

1. The installation shall assume fifty percent (50%) of the solvent used for cleanup is retained in the rag(s) when the used solvent-laden rag(s) are cleaned or disposed of. The installation must demonstrate to the director that the solvents are not evaporated into the air when the waste rags are properly cleaned and disposed of;

2. The installation shall assume forty percent (40%) of the heatset ink oils stay in the paper web;

3. The installation shall assume no VOCs are emitted from the inks used in sheet-fed presses and nonheatset web presses;

4. The installation may assume that fifty percent (50%) of the alcohol from the fountain solution is emitted from the dryer;

5. The installation shall assume, if control devices are present, the uncontrolled potential to emit VOC emissions are the potential emissions extrapolated to eight thousand seven hundred sixty (8,760) hours per year added to the emissions that are removed by the pollution control device(s) and extrapolated to eight thousand seven hundred sixty (8,760) hours per year;

6. The installation shall assume the potential emissions are the actual emissions released at the stack extrapolated to eight thousand seven hundred sixty (8,760) hours per year; and

7. The installation shall assume the control device emissions are all of the VOC emissions retained in the cleaning rags, substrate and those emissions removed by air pollution control devices extrapolated to eight thousand seven hundred sixty (8,760) hours per year.

(2) Definitions. [Definitions of some terms specified in this regulation may be found in 10 CSR 10-6.020. Other definitions specific to this regulation are as follows:]

(I) Definitions of certain terms in this rule, other than those specified in this rule section may be found in 10 CSR 10-6.020.

(3) [Emission Limits] General Provisions.

(4) [Recordkeeping] Reporting and Record Keeping.

(C) For each regulated printing press, records shall be maintained to show—

1. Quantity of alcohol added to the fountain solution of each regulated press in pounds each month;

2. Percent of alcohol in fountain solution by weight as monitored on a once per shift basis;

3. Results of any testing conducted on an emission unit at a regulated [facility] installation;

4. Maintenance records of any air pollution control equipment; and

5. The temperature of alcohol-based fountain solution as recorded on a once per shift basis.

(5) Compliance.]

(A)(F) All persons subject to the provisions of this regulation shall provide to the director for approval a demonstration of final compliance with subsection (3)(A)—

1. Upon startup of presses which are not in existence and operating on December 9, 1991;

2. Within eighteen (18) months (June 9, 1993) after the effective date of this regulation (December 9, 1991) for all presses with a cylinder width of less than sixty inches (60") and all web presses with a cylinder width of sixty inches (60") or greater that are in existence and operating on December 9, 1991; and

3. Within thirty-six (36) months (December 9, 1991) 1994 after the effective date of this regulation (December 9, 1991) for all sheet-fed presses with a cylinder width of sixty inches (60") or greater that are in existence and operating on December 9, 1991.

(B)(G) All persons subject to the provisions of this regulation shall provide to the director for approval a demonstration of final compliance with subsections (3)(B) and (C) of this rule—

1. Upon startup of presses which are not in existence and operating on December 9, 1991; and

2. Within eighteen (18) months (June 9, 1993) [months] after the effective date of this regulation for all presses that are in existence and operating December 9, 1991.

(C)(H) All persons subject to the provisions of this regulation and not in compliance with all provisions of this regulation within twelve (12) months (December 9, 1992) from the effective date of this regulation (December 9, 1991) must submit a compliance plan to the director for approval. This plan must be received within six (6) months (June 9, 1992) after the effective date of this regulation (December 9, 1991). This plan must include the following:

1. A detailed plan of process modifications; and

2. A time schedule for compliance containing increments of progress, including:

A. Date of submittal of the source's final control plan to the appropriate air pollution control agency;

B. Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

C. Date of initiation of on-site construction or installation of emission control equipment or process change;

D. Date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

E. Date by which final compliance is to be achieved.

(6) Calculations. To calculate the facility-wide VOC emissions, the following factors may be taken into consideration unless an alternative method is approved by the director:

(A) The facility may assume fifty percent (50%) of the solvent used for cleanup is retained in the rag when the used solvent-laden rags are cleaned or disposed of. The facility must demonstrate to the director that the solvents are not evaporated into the air when the waste rags are properly cleaned and disposed of;

(B) The facility may assume forty percent (40%) of the heatset ink oils stay in the paper web;

(C) The facility may assume no VOCs are emitted from the inks used in sheet-fed presses and nonheatset web presses; and

(D) The facility may assume that fifty percent (50%) of the alcohol from the fountain solution is emitted from the dryer.]

(7)(5) Testing Procedures] Test Methods.

(A) Testing and compliance demonstrations for subsection (3)(C) of this [regulation] rule shall follow the procedures contained in Environmental Protection Agency Reference Methods 25 or 25A found in 40 CFR Part 60, Appendix A.

(B) Testing and compliance demonstrations for paragraph (3)(A)1. of this [regulation] rule shall be based on the results from a calibrated hydrometer or refractometer.

AUTHORITY: section 643.050, RSMo [1986] 2000. Original rule filed June 4, 1991, effective Dec. 9, 1991. Amended: Filed Jan. 13, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., March 27, 2003. The public hearing will be held at the Holiday Inn West Park Conference Center, Sierra Room, 3257 Williams Street, Cape Girardeau, MO 63702. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 3, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability

PROPOSED RULE

13 CSR 70-3.065 Medicaid Program Payment of Claims for Medicare Part B Services

PURPOSE: This rule establishes the regulatory basis for the administration of payment of claims for Medicare Part B services. The Division of Medical Services will limit reimbursement of deductible and coinsurance under Medicare Part B for dually-entitled individuals to only those covered services for which benefits are also allowable under the Medicaid program. This rule also limits Medicaid reimbursement to the lesser of such deductible and coinsurance amounts as are determined by Medicare for a given service or the amount by which the Medicaid maximum allowable amount for the same service exceeds the Medicare Part B payment made to the provider of physician or clinic services. This rule provides for such methods and procedures relating to the utilization of, and the payment for, care and services available under the Medicaid program as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Title XIX Medicaid benefits for individuals dually entitled to Missouri Medicaid and Title XVIII Medicare Part B Supplementary Medical Insurance (SMI) shall be limited as follows:

(A) For services provided by an enrolled Medicaid provider to a recipient who is dually entitled to Title XIX Medicaid and Title XVIII Medicare Part B SMI, Medicaid vendor reimbursement shall be limited to payment of deductible and coinsurance amounts, as determined due under the applicable provisions of federal regulations pertaining to Medicare Part B, for only those goods and services which are covered by the state Medicaid program for those individuals who are Medicaid eligible; and

(B) Medicaid payment of such deductible and coinsurance amounts shall be limited to the lesser of—

1. The deductible and coinsurance due on the service; or
2. The amount remaining, if any, after subtracting the Medicare Part B payment made for the service from the maximum amount which Medicaid alone would have reimbursed for that same service.

(2) Provider, as used in this regulation, shall include the following Medicaid provider types:

20 and 24	Physicians
25	Nurse midwife
30	Podiatrist
36	Podiatry clinic
42	Nurse practitioner
49	Psychologist
50	Independent clinic (except federally qualified health clinic, ambulatory surgical center, and renal dialysis center)
51	Public health department clinic
52	Family planning clinic
54	Teaching institution department
55	Teaching institution
56	Community mental health center
75	Qualified Medicare beneficiary (QMB) only
91	Certified registered nurse anesthetist (CRNA)

(3) The provider of service which is covered under both Medicare Part B SMI and Medicaid must accept assignment of the Medicare benefits available for the service before Medicaid may consider a claim for payment of deductible and coinsurance subject to the limitations of this rule.

(4) If the service is a Medicaid covered service, amounts not reimbursed by Medicaid for crossover claims may not be billed to the Medicaid recipient.

(5) If the service is a non-covered Medicaid service, then no payment will be made. The recipient will be responsible for the coinsurance and deductible for any non-covered Medicaid service.

(6) The services and items covered and not covered and the program limitations shall be determined by the Department of Social Services, Division of Medical Services and shall be included in the *Physician Provider Manual* and special bulletins, which are incorporated by reference in this rule and available through the Department of Social Services, Division of Medical Services website at www.medicaid.state.mo.us.

(7) The limitations on Medicaid reimbursement provided in this rule shall be effective based on the date of service.

(8) There will be a processing charge for any Medicare Part B claim that does not automatically cross over or is not submitted to Department of Social Services, Division of Medical Services electronically via the Internet. In order to submit paper claims for reimbursement, Medicaid providers must agree that the cost of processing the paper claim of two dollars and ninety-one cents (\$2.91) will be deducted from Medicaid payment due the provider. Paper claims

that cannot be filed electronically due to Medicaid policy are exempt from the processing charge.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Jan. 10, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule represents an estimated maximal potential cost to providers of services to eligibles of Medicare Part B and Medicaid (dual eligibles) of 8.4 million dollars for SFY 2003 and 25 million dollars for SFY 2004.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	13 CSR 70-3.065 Medicaid Program Payment of Claims for Medicare Part B Services
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Providers of services to eligibles of Medicare Part B and Medicaid (dual eligibles)	SFY 2003 - \$8.4 million SFY 2004 - \$25 million

III. WORKSHEET

DMS uses Medicare guidelines for covered services and coding. This means that most procedure codes used by Medicaid are the same as Medicare. Repricing could begin in FY01. Assume fifteen percent (15%) could not be repriced - Medicaid rate higher than Medicare, mismatched codes, paper claims, Medicaid noncovered service (QMB eligible).

Physician Services	\$12,288,402
Clinic Services	\$17,434,478
Total	\$29,722,880
Percent Save	85.00%
Projected Savings	\$25,264,448

SFY 2003 = \$25,264,448 x 4/12 = \$8,421,482.

IV. ASSUMPTIONS

Examples of Part B Limitation to Medicaid Reimbursement for Medicare/Medicaid Dual Entitlement			
Explanation	Examples		
	1	2	3
A. Provider's charge for a service	\$120	\$120	\$120
B. Medicare Part B reasonable charge (for service in Line A)	\$100	\$100	\$100
C. Medicaid maximum allowable fee (for service in Line A)	\$90	\$110	\$75
D. Medicare Part B payment (80% of reasonable charge in Line B)	\$80	\$80	\$80
E. Maximum amount allowed for payment of coinsurance (e.g., Medicaid fee less Medicare payment: (Line C - Line D))	\$10	\$30	\$0
F. Medicare Part B coinsurance billed to Medicaid (20% of reasonable charge in Line B)	\$20	\$20	\$20
G. Medicaid payment for coinsurance (lesser of Lines E or F)	\$10	\$20	\$0

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 52—Registration of Securities

PROPOSED AMENDMENT

15 CSR 30-52.310 Report of Completion of a Registration Statement. The commission is amending sections (1) and (2).

PURPOSE: The commissioner is amending sections (1) and (2) of this rule to extend the time in which the written statement of completion needs to be filed with the division and to allow authorized signatories of the registrant to sign the statement.

(1) Within *fifteen (15) business* thirty (30) days of the completion of an offering in Missouri, the registrant shall provide a written statement to the Securities Division that states the following:

(2) The written statement needs to be signed by an officer or director of the issuer **or by an authorized signatory of the registrant**.

AUTHORITY: sections 409.305(i) and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 26, 2002.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.010 Appointment of Arbitration Firm

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures to be followed by the attorney general in appointing a professional arbitrator or arbitration firm.

(1) Any controversy or claim arising out of or relating to consumer rights or remedies under sections 407.950 to 407.970, RSMo shall, at the option of the consumer, be settled by arbitration.

(2) The attorney general shall appoint a professional arbitrator or arbitration firm to administer the program for a term not to exceed two (2) years ending on the thirty-first day of December of the final

year of appointment. At the option of the attorney general, the term shall be renewable.

(3) The following criteria shall be considered in the selection of a professional arbitrator or arbitration firm: capability, objectivity, nonaffiliation with an assistive device manufacturer, dealer or lessor, reliability, experience, financial stability, extent of geographic coverage, and fee structure.

(4) Each professional arbitrator or arbitration firm applying for appointment shall submit a fee schedule to the attorney general. Upon appointment by the attorney general, the arbitration firm shall adhere to its submitted fee schedule until the expiration of its appointed term.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.020 Notice to Consumers

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies the notice which must be given by sellers of the assistive device to consumers.

(1) Each manufacturer who sells or leases an assistive device to a Missouri consumer, either directly or through an assistive device dealer, shall furnish the consumer contemporaneously with the express warranty required by section 407.953, RSMo, a clear and conspicuous notice of the consumer's right to elect arbitration. This notice shall be in (10) ten point boldface type and shall include the following words or words of similar import and meaning:

“Pursuant to Missouri law, you have the right to have certain disputes regarding the purchase of an Assistive device resolved through binding arbitration. To obtain a request for arbitration form, contact the manufacturer.”

(2) The notice shall also include the name, address and telephone number of the person whom the consumer may contact to obtain a “Request for Arbitration form.”

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.030 Filing for Arbitration

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures to be followed by the parties in arbitration.

(1) Each manufacturer who sells or leases an assistive device to a Missouri consumer, either directly or through an assistive device dealer, shall make available to the consumer, upon request a "Request for Arbitration" form.

(2) The "Request for Arbitration" form shall be in a format substantially similar to that set out in 15 CSR 60-11.160.

(3) To apply for arbitration under the program, a consumer shall obtain a "Request for Arbitration" form from the manufacturer, complete the form and submit it to the arbitration firm along with the prescribed filing fee.

(4) For claims made pursuant to sections 407.950 to 407.970, RSMo, the consumer shall indicate on the form his/her choice of remedy (i.e., refund, repair or replacement with a comparable assistive device), in the event the arbitrator rules in favor of the consumer. If the consumer prevails, such choice shall be followed by the arbitrator unless the consumer advises the arbitrator, in writing, of a change in his/her choice of remedy prior to the arbitrator's rendering of a decision.

(5) On the day the arbitration firm receives the "Request for Arbitration" form together with the filing fee, the arbitration firm shall date stamp the form. Such date shall be considered the "filing date."

(6) Within five (5) business days of the filing date, the arbitration firm shall send the manufacturer's designee a copy of the consumer's completed form along with a notice that it may respond in writing.

(7) Within fifteen (15) days of the filing date, the manufacturer shall respond in triplicate to the arbitration firm, who shall promptly for-

ward one (1) copy to the consumer. Failure by the manufacturer to respond shall be deemed to be an admission of all claims made by the consumer.

(8) The consumer may respond in writing to the manufacturer's submission within twenty-five (25) days of the filing date. Such response shall be sent in triplicate to the arbitration firm, who shall promptly forward a copy to the manufacturer.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.040 Cost of Arbitration

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures concerning the cost of arbitration.

(1) Each consumer who files a "Request for Arbitration" form shall pay a processing fee to the arbitration firm of fifty dollars (\$50).

(2) All other costs of arbitration shall be paid to the arbitration firm by the manufacturer.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.050 Assignment of Arbitrator

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures to be followed by the arbitration firm in selecting an arbitrator.

(1) After the filing date, the arbitration firm shall assign an arbitrator to hear and decide the case. Notice of assignment shall be mailed to the arbitrator and the parties along with a copy of these regulations and sections 407.950 to 407.970, RSMo.

(2) The arbitrator assigned shall not have any bias, any financial or personal interest in the outcome of the hearing, or any current connection to the sale or manufacture of assistive devices.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.060 Scheduling of Arbitration Hearings

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures to be followed by the parties and the arbitrator.

(1) The arbitration shall be conducted as an oral hearing unless the consumer has requested, on the "Request for Arbitration" form, a hearing on documents only and both parties agree to a documents-only hearing; provided, however, that the parties may mutually agree in writing to change the mode of hearing. Upon such change, the parties shall notify the arbitrator who shall comply with the request.

(2) An oral hearing, unless waived by the parties, shall be scheduled to take place no later than forty (40) days from the filing date, unless a later date is agreed to by both parties. The arbitrator shall notify

both parties of the date, time and place of the hearing at least ten (10) days prior to its scheduled date.

(3) Hearings shall be scheduled to accommodate, where possible, time-of-day needs of the consumer and the manufacturer, including evening and weekend hours.

(4) Hearings shall also be scheduled to accommodate geographic needs of the consumer. The hearing site shall be no more than one hundred (100) miles from the consumer's residence unless the consumer agrees, in writing, to a hearing at a location farther than one hundred (100) miles from his or her residence.

(5) A party may present its case by telephone, provided that notice, in writing, is given to the arbitrator and to the other party at least two (2) business days prior to the scheduled hearing date. In such cases, the arbitrator and both parties shall be included.

(6) Either party may make a request to adjourn and reschedule the hearing. Except in unusual circumstances, such request shall be made to the arbitrator, orally or in writing, at least two (2) business days prior to the hearing date. Upon a finding of good cause, the arbitrator may reschedule the hearing. In unusual circumstances, the arbitrator may reschedule the hearing at any time prior to its commencement.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.070 Request for Additional Information or Documents

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures to be followed in conducting discovery.

(1) A party, by application in writing to the arbitrator, may request the arbitrator to direct the other party to produce any documents or information. The arbitrator shall, upon receiving such request, or on his or her own initiative, direct the production of documents or information which he or she believes will reasonably assist a party in presenting his or her case or assist the arbitrator in deciding the case. The arbitrator's direction for the production of documents and information shall allow a reasonable time for the gathering and production of such documents and information.

(2) All documents and information forwarded in compliance with the arbitrator's direction shall be legible and received by the arbitrator and other party no later than three (3) business days prior to the date of the hearing. Each party shall bear its own photocopying costs.

(3) Upon failure of a party to comply with the arbitrator's direction to produce documents and/or information, the arbitrator may draw a negative inference concerning any issue involving such documents or information.

(4) The term "documents" in this section shall include, but not be limited to, relevant manufacturer's service bulletins, dealer work orders, diagnoses, bills, and all communication relating to the consumer's claim.

(5) At the request of either party or on his or her own initiative, the arbitrator, when he or she believes it appropriate, may subpoena any witnesses to appear or documents to be presented at the hearing.

(6) Where a witness cannot be subpoenaed or is unable to attend the hearing, the arbitrator may, at the written request of either party or on his or her own initiative, permit a deposition to be taken, in a manner and upon terms designated by the arbitrator. Such deposition may be used as evidence and considered by the arbitrator in making his or her decision.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.080 Representation by Counsel or Third Party

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures related to participation by a third party.

(1) Any party may be represented by counsel or assisted by any third party.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.090 Hearing Procedure

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures to be followed at the arbitration hearing.

(1) The conduct of the hearing shall afford each party a full and reasonable opportunity to present his or her case.

(2) The arbitrator shall administer an oath or affirmation to each individual who testifies.

(3) Formal rules of evidence shall not apply; the parties may introduce any relevant evidence at the discretion of the arbitrator.

(4) The arbitrator may receive relevant evidence of witnesses by affidavit and such affidavits shall be given such weight as the arbitrator deems appropriate.

(5) The arbitrator shall have discretion to examine the consumer's assistive device. Both parties shall be afforded the opportunity to be present and accompany the arbitrator on any such examination.

(6) The consumer shall first present evidence in support of his or her claim, and the manufacturer shall then present its evidence. Each party may question the witnesses called by the other. The arbitrator may question any party or witness at any time during the hearing.

(7) The arbitrator may request additional evidence after closing the hearing. All such evidence shall be submitted to the arbitration firm for transmission to the arbitrator and the parties.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.100 Accommodations for the Disabled

PURPOSE: *The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures related to accommodations for the disabled.*

(1) Any party may request reasonable accommodations at a hearing, including access and auxiliary aids and services, in accordance with the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) and the regulations thereunder (28 CFR Part 35) as such Act and regulations may, from time-to-time, be amended.

(2) Such request shall be made to the arbitration firm at the time the consumer submits his or her "Request for Arbitration" form.

AUTHORITY: *sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.110 Hearing on Documents Only

PURPOSE: *The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures related to submission of the case on documents only.*

(1) If the hearing is on documents only, all documents shall be submitted to the arbitrator no later than thirty-five (35) days from the filing date. The arbitrator shall render a decision within ten (10) business days based on all documents submitted.

AUTHORITY: *sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.120 Defaults

PURPOSE: *The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures to be followed by the arbitrator in conducting the hearing.*

(1) Upon the failure of a party to appear at an oral hearing, the arbitrator shall nevertheless conduct the hearing and render a decision based on the evidence presented and documents contained in the file.

(2) If neither party appears at a scheduled oral hearing, the arbitrator shall dismiss the case without a decision and so notify the parties. The dismissal shall be without prejudice to future refiling.

(3) In a documents-only hearing, where the manufacturer fails to respond to the claim, the arbitrator shall render a decision based upon the documents contained in the file.

AUTHORITY: *sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.130 Withdrawal or Settlement Prior to Decision

PURPOSE: *The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required*

to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures related to withdrawal of claims or settlement.

(1) A consumer may withdraw his or her request for arbitration at any time prior to decision. If the arbitration firm is notified by the consumer of his or her request to withdraw the claim within seven (7) business days of the filing date, the arbitration firm shall refund the filing fee.

(2) If the parties agree to a settlement more than seven (7) business days after the filing date but prior to the issuance of a decision, they shall notify the arbitrator in writing of the terms of the settlement. Upon the request of the parties, the arbitrator shall issue a decision reflecting the settlement.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.140 Arbitrator's Decision

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures to be followed by the arbitrator in reaching the decision.

(1) The arbitrator shall render a decision within ten (10) business days of the hearing date which shall be in writing and shall include findings of fact and conclusions of law. The decision shall be dated and signed by the arbitrator.

(2) In his or her decision, the arbitrator shall determine whether the consumer is entitled to relief pursuant to sections 407.950 to 407.970, RSMo. If the arbitrator finds that the consumer is so entitled, he or she shall award the specific remedies prescribed by the statute.

(3) The decision shall specify the monetary award, where applicable. A calculation of the amount, in accordance with sections 407.950 to 407.970, RSMo, shall be included in the decision. If the consumer prevails, the decision may also award the prescribed filing fee along with reasonable attorney fees, if applicable, and any equitable relief that the arbitrator deems appropriate.

(4) The decision shall, where applicable, require that any action required to be taken by the manufacturer be completed within thirty (30) days from the date the arbitrator notifies the manufacturer of the decision.

(5) The arbitrator shall, within five (5) days of rendering a decision, mail a copy of the final decision to both parties and the attorney general.

(6) Failure to mail the decision to the parties within the specified time period or failure to hold the hearing within the prescribed time shall not invalidate the decision.

(7) The arbitrator's decision is binding on both parties and is final. The decision shall include a statement to this effect.

(8) An award rendered by the arbitrator may be confirmed, vacated or modified in the manner set out in sections 435.400–435.440, RSMo.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.150 Record Keeping

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies procedures related to making a record.

(1) The arbitration firm shall keep all records pertaining to each arbitration for a period of at least two (2) years and shall make the records of a particular arbitration available for inspection upon written request by a party to that arbitration, and shall make records of all arbitrations available to the attorney general upon written request.

(2) At the expiration of the arbitration firm's appointment, if that appointment is not renewed, all records pertaining to arbitrations conducted pursuant to sections 407.950 to 407.970, RSMo shall be turned over to the attorney general.

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 11—Rules for Assistive Devices

PROPOSED RULE

15 CSR 60-11.160 Sample “Request For Arbitration” Form

PURPOSE: The attorney general administers provisions of the Wheelchair Lemon Law and Assistive Devices for Major Life Activity, sections 407.950 to 407.970, RSMo. The attorney general is required to establish regulations controlling the arbitration of disputes arising under these provisions. This rule specifies a sample Request for Arbitration form.

MISSOURI WHEELCHAIR AND ASSISTIVE DEVICE LEMON LAW

CONSUMER INFORMATION

1. Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: Home (_____) _____ Work: (_____) _____

ASSISTIVE DEVICE INFORMATION
(Attach Copy of Bill of Sale or Lease)

1. Type of Device: _____ (For example, Wheelchair or Hearing Aid)
2. Manufacturer: _____
3. Year: _____ Model: _____
4. I purchased my assistive device I leased my assistive device
5. Did you purchase or lease your assistive device in Missouri?
 Yes No
6. Date of delivery? _____
7. Do you still own or lease your assistive device?
 Yes No

DEALER INFORMATION

8. Name: _____
Address: _____
City: _____ State: _____ Zip: _____

LEASING COMPANY (if leased)

9. Name: _____
Address: _____
City: _____ State: _____ Zip: _____

ASSISTIVE DEVICE PROBLEM(S)

10. Briefly describe the existing problem(s) for which you now seek relief:

11. (a) What date did you first report the problem(s) to the dealer or the manufacturer? _____

(b) Did you make the assistive device available for repair before one year after the first delivery? Yes No

12. Were there one or more unsuccessful repair attempts within one year from the date of original delivery? Yes No

13. Does the problem continue to exist? Yes No

14. Give the date and work order number for each of the repair attempts by the dealer or manufacturer and attach copies of them. If you do not have copies of the work orders, once accepted into the Program, you may request copies from the manufacturer, with the arbitrator's approval.

Problem (Specify) _____

	Date	Work Order Number
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____
(4)	_____	_____

15. List the dates your assistive device was out of service:

From:	To:	Days out:
From: _____	To: _____	Days out: _____
From: _____	To: _____	Days out: _____
From: _____	To: _____	Days out: _____

TYPE OF HEARING

16. Oral
(a) in person
(b) by telephone.....
 Documents only (if manufacturer agrees)

RELIEF REQUESTED

17. If successful, I wish to receive a:
 full refund comparable new replacement device

Attach copies of all relevant documents (including your purchase or lease agreement, all service or work orders relating to the problem for which you seek this arbitration, and any correspondence between you and the manufacturer or its dealer relating to such problem). DO NOT SEND ORIGINAL DOCUMENTS.

Please enclose the filing fee of \$50.00. Upon receipt of the filing fee, your claim will begin to be processed.

NOTICE: The decision of the arbitrator under this program is binding on both parties. You may wish to consult an attorney before participating in this program.

Sign below and return the completed form, together with your documents and the filing fee, to _____.

SIGNATURE: _____ Date: _____

AUTHORITY: sections 407.965 and 407.970, RSMo 2000. Original rule filed Jan. 27, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule. Written comments may be mailed or delivered to the Office of Attorney General, David B. Cosgrove, Chief Counsel, 1530 Rax Court, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 1—Organization and Operation**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-1.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2002 (27 MoReg 1861). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

EXPLANATION OF CHANGE: Upon further review and discussion of the proposed amendment, the board determined that requests for conflicting employment determinations should be directed to the Personnel Advisory Board rather than the director of personnel. Section (3) will be changed to specify that an employee or an appointing authority may request a determination of conflicting employment from the Personnel Advisory Board.

1 CSR 20-1.040 Merit System Service

(3) Conflicting Employment. No employee shall have conflicting employment while in a position subject to the provisions of the law.

Each division of service will establish a procedure regarding outside employment and other activities that could potentially be in conflict with the mission and objectives of the division of service or the state service. This procedure will require that employees inform management of outside employment and will include a provision whereby either the employee or the appointing authority may request a determination from the Personnel Advisory Board.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 4—Appeals, Investigations, Hearings and Grievances**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-4.020 Grievance Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2002 (27 MoReg 1861–1864). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-5.010 Hours of Work and Holidays is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2002 (27 MoReg 1865). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence**

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo 2000, the board amends a rule as follows:

1 CSR 20-5.020 Leaves of Absence is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2002 (27 MoReg 1865–1868). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 280.050, RSMo 2000, the director rescinds a rule as follows:

2 CSR 70-40.015 Standards For Treated Timber is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1561). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were accepted from September 17 through October 17, 2002. The Forest Resources Program Coordinator received a written comment from the Missouri Forest Products Association.

COMMENT: The Missouri Forest Products Association supports the rule changes drafted by the department. They felt that the current rule needed to be updated to correct contradictions in wording and to reflect current AWPA standards.

RESPONSE: The department is grateful to the Missouri Forest Products Association for offering their support of this rule rescission.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 280.050, RSMo 2000, the director adopts a rule as follows:

2 CSR 70-40.015 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1561–1562). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were accepted from September 17 through October 17, 2002. The Forest Resources Program Coordinator received a written comment from the Missouri Forest Products Association, Houston Wood Treating and Universal Forest Products.

COMMENT: The Missouri Forest Products Association supports the rule changes drafted by the department. They felt that the cur-

rent rule needed to be updated to correct contradictions in wording and to reflect current AWPA standards.

RESPONSE: The department is grateful to the Missouri Forest Products Association for offering their support of this rule change.

COMMENT: Houston Wood Treating felt that standards for hardwood species should be abolished. They felt that these standards put wood treaters at an unfair disadvantage, since most states do not have regulatory programs in place to monitor treated wood products sold in their respective states. They also stated that some out-of-state wood treating facilities treat hardwood species and sell those products into Missouri with total disregard for Missouri regulations and are allowed to go unregulated unless the retailer or consumer complains to the department. Finally, they felt that wood treaters should be allowed to simply put a disclaimer on their hardwood products stating that it does not conform to AWPA standards.

RESPONSE: The department feels that it would be unfair to not only the consumer but also the industry to drop retention and penetration standards for hardwood species. Companies that treat hardwood species already have an advantage over companies that only treat softwood species. Treaters of hardwood species are only required to meet 66% of current AWPA standards, whereas treaters of softwood species are obligated to meet 100% of current AWPA standards. In addition, the department has documented quite easily that it is possible for treaters to meet the hardwood requirements assuming the material has been allowed to dry adequately prior to treatment. For these reasons, the department feels that it would be prudent to maintain the current standards for hardwood species. The department also disagrees with the statement regarding out-of-state wood treaters having an unfair advantage. Any wood treating facility that sells their products into Missouri is obligated to have a producer's license and are required to follow the Missouri Treated Timber Law, just as in-state treaters are required to do. These products are routinely sampled at dealer locations to monitor compliance. In addition, based on dealer inspections conducted in the last year, the department feels that the vast majority of treated hardwood products are treated by facilities located within Missouri.

COMMENT: Universal Forest Products recommended that the department consider the following requests: 1) Consider replacing the reference to the 2001 AWPA Book of Standards with the verbiage "Current Book of AWPA Standards" or at the very least, make reference to the 2002 AWPA Book of Standards since there have been many changes to the books design since 2001, 2) Reference to the AWPA C-Standards should be reworded to make reference to the AWPA Use Category System since it was Universal's understanding that the C-Standards would be deleted from the AWPA Book of Standards in the near future, 3) Exempt peeler core landscape timbers from this requirement, assuming that companies agree to place a disclaimer statement on their tags stating that their product does not conform to AWPA standards and should not be used for structural purposes, 4) Consider removing the requirement that requires treaters of softwoods not listed in the AWPA Book of Standards to label their product with a disclaimer since this requirement is too broad, 5) Consider modifying tag requirements by removing point type size and label size restrictions.

RESPONSE AND EXPLANATION OF CHANGE: 1) Suggestion noted and reference to the 2001 AWPA Book of Standards will be changed to reference the 2002 AWPA Book of Standards, 2) Suggestion noted and reference to the AWPA C Standards will be changed to reference the AWPA Use Category System, 3) Suggestion noted and department agrees that an peeler core landscape timbers should be exempted from this requirement. The exemption will allow treaters to place a disclaimer on their product stating that peeler core landscape timbers are not treated to AWPA Standards and are not recommended for structural purposes, 4) Suggestion noted and although the department does not agree that the requirement should be eliminated, it does agree that the wording is a bit vague and will

reword the requirement to make reference to the Use Category System and will specify that products intended for ground contact purposes should include the statement not recommended for structural purposes, which will exempt above ground applications from being required to contain that verbiage, 5) Suggestion noted and department agrees that these specific requirements are incorrect and can be removed without changing the intent of the rule.

2 CSR 70-40.015 Standards For Treated Timber

(1) The preservatives and preservative solution used shall meet the American Wood Preservers' Association (AWPA) Standard P-Preservative, as published in the 2002 *AWPA Book of Standards*, as incorporated by reference in this rule.

(2) Standards for Treatment of Coniferous, Softwood Species. The requirements for retention and penetration of preservatives used shall not be less than the published 2002 *American Wood Preservers' Association Book of Standards*, as incorporated by reference in this rule, except that—

(A) For ponderosa pine, red pine and southern yellow pine, the minimum net retention level of copper naphthenate shall be .055 pounds per cubic foot, copper as metal, for round poles and posts used as structural members. This section shall expire when use category standards are established by AWPA for these products;

(B) Softwoods not listed in the AWPA Use Category Tables as treatable species shall be labeled "Does not conform to AWPA Standards." Furthermore, products that fall under this classification and are intended for ground contact use shall also include the statement, "Not recommended for structural purposes;"

(C) Softwood peeler core landscape timbers shall be exempted from meeting AWPA standards, if treater puts tags on each individual timber that states the following, "Does not conform to AWPA standards, not recommended for structural purposes." Companies who fail to label these products with this disclaimer will be regulated based on AWPA standards.

1. All products as defined by this rule shall be labeled with a tag in accordance to the following requirements:

- A. Tags shall remain attached at each point of sale and may only be removed by the final purchaser;
- B. Each tag shall be placed on the surface of each product so that it is readily visible to the purchaser;
- C. Each tag shall be legible;
- D. Tags shall be constructed of water resistant material.

(3) Standards for Treatment of Deciduous, Hardwood Species. The requirement for retention and penetration of preservatives used shall not be less than the published 2002 *American Wood Preservers' Association Standards*, as incorporated by reference in this rule, except that—

(A) The minimum net retention for oil-borne pentachlorophenol in the treatment of hardwoods, other than white oak, shall be 0.20 pounds of active ingredient per cubic foot or equal to four (4.0) pounds of five percent (5%) solution. White oak shall be treated to refusal;

(B) The minimum net retention for water borne copper chromated arsenite in the treatment of hardwoods other than white oak shall be 0.264 pounds of active ingredient. White oak shall be treated to refusal;

(C) The minimum net retention for oil borne copper naphthenate in the treatment of hardwoods, other than white oak, shall be 0.033 pounds per cubic foot copper as metal. White oak shall be treated to refusal;

(D) Effective March 30, 2003, all hardwoods, five inches (5") and greater in thickness and treated according to subsections (3)(A)-(C) or up to the levels of the AWPA Use Category Tables, shall be labeled with a tag as follows:

1. Hardwoods listed in the AWPA manual shall be labeled with a tag stating the percentage of AWPA ground contact or above ground contact retention level guaranteed and a statement of treatment to refusal for white oak. For example, a mixed bundle of white and red oak timbers, five inches (5") in thickness and greater, treated with a five percent (5%) solution of pentachlorophenol to 0.20 pounds of active ingredient per cubic foot, for ground contact, shall be tagged "Treated to 66% of AWPA Ground Contact Standards. White Oak Treated to Refusal." Furthermore, the same mixed bundle of white and red oak timbers, treated under the same conditions to 0.25 pounds of active ingredient per cubic foot could also be tagged, "Treated to 100% of AWPA Above Ground Contact Standards. White Oak Treated to Refusal;"

2. Hardwoods not listed in the AWPA Use Category Tables as treatable species shall be labeled "Does not conform to AWPA Standards." Furthermore, products that fall under this classification and are intended for ground contact use shall also include the statement, "Not recommended for structural purposes."

3. All products as defined by this rule shall be labeled with a tag in accordance to the following requirements:

- A. Tags shall remain attached at each point of sale and may only be removed by the final purchaser;
- B. Each tag shall be placed on the surface of each product so that it is readily visible to the purchaser;
- C. Each tag shall be legible;
- D. Tags shall be constructed of water resistant material.

(4) Other Treatment Standards. All other standards for treatment of timber or timber products with preservatives not covered by 2 CSR 70-40.015 shall not be less than the published 2002 *American Wood Preservers' Association Book of Standards*, as incorporated by reference in this rule.

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries

Chapter 40—Missouri Treated Timber Products Law Rules

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 280.050, RSMo 2000, the director rescinds a rule as follows:

2 CSR 70-40.025 Standards For Inspection, Sampling and Analysis is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1562). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were accepted from September 17 through October 17, 2002. The Forest Resources Program Coordinator received a written comment from the Missouri Forest Products Association.

COMMENT: The Missouri Forest Products Association supports the rule changes drafted by the department. They felt that the current rule needed to be updated to correct contradictions in wording and to reflect current AWPA standards.

RESPONSE: The department is grateful to the Missouri Forest Products Association for offering their support of this rule rescission.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 280.050, RSMo 2000, the director adopts a rule as follows:

2 CSR 70-40.025 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1563). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were accepted from September 17 through October 17, 2002. The Forest Resources Program Coordinator received a written comment from the Missouri Forest Products Association, Universal Forest Products, Houston Wood Treating & Arneson Timber Company.

COMMENT: The Missouri Forest Products Association supports the rule changes drafted by the department. They felt that the current rule needed to be updated to correct contradictions in wording and to reflect current AWPA standards.

RESPONSE: The department is grateful to the Missouri Forest Products Association for offering their support of this rule change.

COMMENT: 1) Universal Forest Products felt that reference to 2001 Book of AWPA Standards should be replaced with a reference to the 2002 AWPA Book of Standards. 2) Universal Forest Products feels that the department should follow the guidelines established by the American Lumber Standards Committee (ALSC) of the U.S. Department of Commerce in regards to compliance requirements. 3) Also, felt that ten (10) samples was not a sufficient amount needed to make a determination of compliance.

RESPONSE AND EXPLANATION OF CHANGE: 1) Suggestion noted and verbiage will be changed to make reference to the 2002 AWPA Book of Standards. 2) The department contacted the ALSC and determined that there is no written policy that third party inspection agencies follow in regards to ALSC policy. A spokesperson for ALSC stated that inspection agencies use their own discretion regarding compliance maintenance. Timber Products Inspection, which is one of several third party inspection agencies, was contacted and stated that they required a ninety-five percent (95%) overall compliance rate for treating companies to maintain. 3) In response to the statement regarding insufficient sample numbers, it was determined by phone call that there was a misunderstanding by Universal regarding the term sample. The wording will be changed to clarify how many actual core samples will be taken for compliance determinations and under what circumstances these samples will be taken.

COMMENT: 1) Houston Wood Treating feels that the eighty percent (80%) compliance rate is unfair to treaters who treat hardwood products such as oak. 2) Also feels that some treaters could be unfairly biased due to the amount of treated inventory on hand at any one given time. 3) Finally, they feel that red oak and white oak species are difficult to differentiate, which can make treating oak ties difficult, not to mention the fact that inspectors could mistake white oak for red oak during sampling.

RESPONSE: 1) The department does not agree that an eighty percent (80%) compliance rate is unfair. On the contrary, treaters of hardwood species such as oak, have an advantage over treaters of softwood species, such as pine. Treaters of hardwood species are

only required to meet sixty-six percent (66%) of AWPA standards whereas treaters of pine are required to treat to one hundred percent (100%) of AWPA standards. 2) How many samples are taken during an inspection has always been at the inspector's discretion. Since many facilities vary on the amount of inventory on hand at any given time, it would be impossible for inspectors to take the exact number of samples at each treating facility. 3) On the contrary, it is relatively simple to tell the difference between red and white oak species. It can be difficult to identify prior to taking core samples, however, an individual core can easily be distinguished by looking at the wood cells. Open cells indicate a red oak species, closed cells indicate a white oak species.

COMMENT: Arneson Timber Company feels that an eighty percent (80%) compliance rate is too "inflexible" due to the fact that wood treating is not an exact science.

RESPONSE: The department has spent the last two (2) years offering assistance to treaters having problems meeting retention and penetration requirements as outlined in the law. Some companies have not put forth an effort to correct their deficiencies. Although many variables can affect how well wood accepts preservative, the department feels that the consumers of Missouri should be assured that they are purchasing quality treated wood products. This can only be done by maintaining a reasonable level of compliance among all wood treaters.

2 CSR 70-40.025 Standards For Inspection, Sampling and Analysis

(1) The standards for inspection procedures shall be in accordance with the American Wood Preservers' Association (AWPA) Standard M2-Inspection of Treated Timber Products as published in the 2002 *AWPA Book of Standards*, as incorporated by reference in this rule.

(2) The standards for sampling and quality control procedures shall be in accordance with the published 2002 American Wood Preservers' Association, as incorporated by reference in this rule, except that—

(A) Any core samples taken during an inspection shall consist of one (1) lot. A lot for inspection at the treating plant will normally be a retort charge. A lot for inspection at plant storage yards or at sales yards where the final purchase has not been made, shall be that material available at the time and place of inspection which contains products from any one (1) treating plant and shall contain only one (1) species and one (1) preservative treatment. Lumber, plywood and posts shall not be mixed in one (1) inspection lot;

(B) The number of core samples taken during inspection of coniferous, softwood species shall be twenty (20) per lot. The samples shall be selected randomly from the lot being inspected;

(C) The number of core samples taken during inspection of deciduous, hardwood species shall be eight (8) per lot. The samples shall be randomly selected from the lot being inspected;

(D) Effective March 30, 2003 all treated timber producers will be required to maintain an eighty percent (80%) compliance rating. Samples will be taken from a minimum of two (2) units or bundles of treated material. No more than three (3) samples from separate lots will be taken during any inspection of an individual treating company's product. After ten (10) samples (twenty (20) cores per sample for softwood species, eight (8) cores per sample for hardwood species) have been taken from separate lots, compliance rates will be calculated. Every effort will be made to ensure that separate lots are sampled, however, if bundles are not marked with a lot number or if the treater is unsure of the lot number, samples will simply be taken from available material of the same dimensions, treated by the same treater with the same preservative. If a producer has three (3) or more stop sales based on either retention or penetration failures within these ten (10) samples, the producer will be contacted and informed that if an eighty percent (80%) compliance rating is not met

after an additional ten (10) samples (twenty (20) cores per sample for softwood species, eight (8) cores per sample for hardwood species) have been taken, the director or his/her representative will hold a hearing to determine if the producer's license should be suspended or revoked. If it is determined that the producer has not made a good faith effort to gain compliance, the director may suspend or revoke the license of the treated timber producer as provided under section 280.040, RSMo.

(3) The standards for methods of analysis for all type preservatives used shall be in accordance with the American Wood Preservers' Association (AWPA) Standard A-Analysis Methods, as published in the 2002 AWPA Book of Standards, as incorporated by reference in this rule.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 280.050, RSMo 2000, the director rescinds a rule as follows:

2 CSR 70-40.040 Branding of Treated Timber is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1563). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were accepted from September 17 through October 17, 2002. The Forest Resources Program Coordinator received a written comment from the Missouri Forest Products Association.

COMMENT: The Missouri Forest Products Association supports the rule changes drafted by the department. They felt that the current rule needed to be updated to correct contradictions in wording and to reflect current AWPA standards.

RESPONSE: The department is grateful to the Missouri Forest Products Association for offering their support of this rule rescission.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 280.050, RSMo 2000, the director adopts a rule as follows:

2 CSR 70-40.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1563–1564). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were accepted from September 17 through October 17, 2002. The Forest Resources Program Coordinator received a written comment from the Missouri

Forest Products Association, Universal Forest Products, Houston Wood Treating & Massie's Pole Yard.

COMMENT: The Missouri Forest Products Association supports the rule changes drafted by the department. They felt that the current rule needed to be updated to correct contradictions in wording and to reflect current AWPA standards.

RESPONSE: The department is grateful to the Missouri Forest Products Association for offering their support of this rule change.

COMMENT: Universal Forest Products feels that wood treating companies should have the option of putting either the net retention guaranteed or indicating the end use of the product on the label.

RESPONSE AND EXPLANATION OF CHANGE: Suggestion noted and a change will be made in the wording of this rule to allow both options to be considered.

COMMENT: Houston Wood Treating & Massie's Pole Yard stated that hammerstamping dimensional lumber should be allowed as opposed to requiring tags.

RESPONSE AND EXPLANATION OF CHANGE: Suggestion noted and a change will be made in the wording of the rule to allow both hammerstamping and tagging on dimensional lumber.

2 CSR 70-40.040 Branding of Treated Timber

(1) All treated timber, as defined in section 280.010, RSMo 2000, two inches (2") thick and over shall be branded clearly and with reasonable permanency by one (1) of the following methods before being sold or offered for sale in the state of Missouri:

- (A) Hammerstamp branding;
- (B) Water-proof labels;
- (C) Ink-stamp branding.

(5) Labels or ink stamps must possess the following requirements:

- (A) Name and address of treater;
- (B) Type of preservative used;
- (C) Retention level and/or end use.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 40—Missouri Treated Timber Products Law
Rules

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 280.050, RSMo 2000, the director withdraws a rule as follows:

2 CSR 70-40.045 Tagging Requirements for Peeler Core Landscape Timbers is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1564). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: Comments were accepted from September 17 through October 17, 2002. The Forest Resources Program Coordinator received a written comment from the Missouri Forest Products Association and Universal Forest Products.

COMMENT: The Missouri Forest Products Association supports the rule changes drafted by the department. They felt that the current rule needed to be updated to correct contradictions in wording and to reflect current AWPA standards.

RESPONSE: The department is grateful to the Missouri Forest Products Association for offering their support of this rule change.

COMMENT: Universal Forest Products stated that this rule could be and should be included in 2 CSR 70-40.015 as an exception to the rule to prevent contradiction.

RESPONSE: The department agrees with Universal Forest Products that this rule could simply be included in 2 CSR 70-40.015 and as a result, the director is withdrawing this rulemaking.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.420 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

The Department of Conservation amended 3 CSR 10-5.420 by establishing hunting season provisions for those eligible to obtain a youth deer and turkey hunting permit.

3 CSR 10-5.420 Youth Deer and Turkey Hunting Permit

PURPOSE: This rule establishes a minimum age and increases the maximum age for those eligible to obtain a youth deer and turkey hunting permit.

To pursue, take, possess and transport one (1) deer of either sex statewide, during the firearms deer hunting seasons except that only an antlerless deer may be taken in seasons open only to antlerless deer; one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; only by persons at least six (6) and under sixteen (16) years of age who are hunting in the immediate presence of a properly licensed adult hunter who has in his/her possession a valid hunter education certificate card. Fee: fifteen dollars (\$15).

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed January 8, 2003, effective **March 1, 2003**.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Administrative and Financial Services
Chapter 4—General Administration

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 165.121, 167.201 and 178.430, RSMo 2000, the board rescinds a rule as follows:

5 CSR 30-4.030 Audit Policy and Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1937). No changes have been made in the proposed rescis-

sion, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Administrative and Financial Services
Chapter 4—General Administration

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.405, 165.121, 167.201 and 178.430, RSMo 2000 and 161.092, RSMo Supp. 2002, the board adopts a rule as follows:

5 CSR 30-4.030 Audit Policy and Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1938–1940). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011, 168.021, 168.405 and 168.409, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1689–1690). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received sixteen (16) letters with comments.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and changed the chapter name and the wording in section (2) which is reprinted for clarity.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally

handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the wording change will be made in the compendium.

Chapter 800—Educator Certification

5 CSR 80-800.220 Application for Certificate of License to Teach

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (the board) and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or downloading from the Internet.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education

Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011, 168.021, 168.405 and 168.409, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.220 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1690–1691). The section with the changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received seventeen (17) letters with comments.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and changed the chapter name and the wording in section (2) which is reprinted for clarity.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the wording change will be made in the compendium.

COMMENT: One (1) comment requested a change in the requirement for special education administrator.

RESPONSE: That portion of the rule addressing the certification requirements for a special education administrator was not amended in the notice of proposed rulemaking and cannot be addressed in this order.

Chapter 800—Educator Certification

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators

(2) Applications for an administrator Missouri certificate of license to teach shall be submitted on the forms provided by the board and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education

Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011 and 168.021, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.230 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1691–1693). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received sixteen (16) letters with comments.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and changed the chapter name and the wording in section (2) which is reprinted for clarity.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the change in the wording will be made in the compendium and section (1) with sections (13) and (27) being deleted and sections (14) – (28) being renumbered. Those changes are reprinted here for clarity.

Chapter 800—Educator Certification**5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach**

(1) An applicant for a student services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and the criteria established in the rules promulgated by the State Board of Education (the board), to an individual who possesses good moral character:

(B) School Psychological Services Personnel:

1. School psychological examiner, grades K–12; and/or
2. School psychologist, grades K–12; and/or

(C) Vocational Services Personnel:

1. Vocational adult education supervisor;
2. Post-secondary vocational counselor (excluding K–12);
3. Placement coordinator; and/or
4. Vocational evaluator.

(2) Applications for a student services Missouri certificate of license to teach shall be submitted on the forms provided by the board and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(13) Additional certificates of license to teach may be granted pursuant to rules promulgated by the board.

(14) An applicant for a Missouri student services certificate of license to teach who possesses a valid certificate of license to teach from another state closely aligned to a current certification area approved by the board; possesses good moral character but does not possess five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state may be granted a Missouri certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.

(15) An applicant for a Missouri student services certificate of license to teach who possesses a valid certificate of license to teach from another state, possesses good moral character and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state may be granted a Missouri student services certificate of license to teach upon completion of the following:

(A) Five (5) years teaching experience in Missouri public schools; and

(B) Submission of two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.

(16) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(17) A student services certificate of license to teach may be issued for a school counselor, school psychological examiner and/or school psychologist for a period of five (5) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor, school psychological examiner, or school psychologist in a school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by DESE; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university; or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors, school psychological examiners, or school psychologists.

(18) A student services certificate of license to teach may be issued for an advanced school counselor for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(A) Written request for renewal of the certificate of license to teach;

(B) Verification of two (2) years experience as a school counselor in school setting;

(C) Documentation of attendance at three (3) professional workshops totaling fifteen (15) clock hours approved by DESE; and

(D) Submission of an official transcript showing six (6) semester hours appropriate to counselors from a state-approved college or university appropriate to school counselors or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors.

(19) If a school counselor, advanced school counselor, school psychological examiner, and/or school psychologist seeks to renew their student services certificate of license to teach, however, the individual has not been employed in a school setting, the individual must submit the following:

(A) Written request for renewal of the certificate of license to teach; and

(B) Submission of an official transcript showing eight (8) semester hours appropriate to school counselors, school psychological examiners, or school psychologists from a state-approved college or university.

(20) A student services certificate of license to teach may be issued for a vocational adult education supervisor, for a period of five (5) years and may be renewed once by meeting the following criteria:

(A) Completion of a planned program of graduate credit focused upon general and vocational administration from a state-approved college or university to prepare vocational adult education supervisors. The planned program shall include a minimum of fifteen (15) hours of approved graduate credit, which meet the competencies identified for the certificate of license to teach;

(B) Confirmed attendance at three (3) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(21) A ten (10)-year student services certificate of license to teach as a vocational adult education supervisor may be issued to the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Confirmed attendance at eight (8) vocational education conferences;

(B) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours; and

(C) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams.

(22) The ten (10)-year student services certificate of license to teach as a vocational adult education supervisor may be renewed an unlimited number of times by the individual meeting the following criteria:

(A) Possession of five (5) years experience in school supervision during the previous ten (10) years;

(B) Confirmed attendance at eight (8) vocational education conferences;

(C) Participation in workshops and/or seminars on general or vocational education administration, instructional leadership activities, or curriculum development totaling at least fifteen (15) clock hours;

(D) Participation in one (1) accreditation-evaluation of schools by the North Central Association or DESE evaluation teams; and

(E) Completion of two (2) graduate semester hours related to adult vocational education.

(23) A nonrenewable student services certificate of license to teach may be issued for a post-secondary vocational counselor for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a post-secondary vocational counselor may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of two (2) years out of the previous five (5) years experience in counseling at the post-secondary level;

(B) Successful completion of a course in vocational education (if not taken as part of the individual's master's or higher level program);

(C) Confirmed attendance at eight (8) vocational education conferences; and

(D) Completion of one (1) of the following requirements:

1. Attendance at eight (8) professional workshops/seminars totaling fifteen (15) clock hours, appropriate for post-secondary counselors servicing individuals enrolled in vocational education; or

2. Completion of six (6) hours of graduate credit appropriate for post-secondary counselors.

(24) A nonrenewable student services certificate of license to teach may be issued for a placement coordinator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a placement coordinator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Possession of a Missouri certificate of license to teach as a counselor or in a vocational-technical area;

(B) Possession of two (2) years out of the previous five (5) years experience as a placement coordinator;

(C) Successful completion of a course in vocational education (if not taken as part of the individual's master's or higher level program); and

(D) Confirmed attendance at eight (8) vocational education conferences.

(25) A nonrenewable student services certificate of license to teach may be issued for a vocational evaluator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a

vocational evaluator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(A) Completion of two (2) years full-time employment as a vocational evaluator;

(B) Completion of the following course work:

1. Standardized testing;

2. Occupational information or job analysis; and

3. Two (2) courses with a primary focus in at least one (1) of the following content areas:

A. Philosophy and process of vocational evaluation and assessment;

B. Individualized vocational evaluation planning;

C. Vocational evaluation report development and communication;

D. Work samples and systems;

E. Situational and community-based assessment;

F. Behavioral observation;

G. Functional aspects of disability;

H. Vocational interviewing;

I. Assessment of learning;

J. Functional skills assessment; and/or

K. Modifications and accommodations.

(26) The holder of a student services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a student services certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a student services certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**

**Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011 and 168.021, RSMo 2000 and 161.092, 168.071, 168.081 and 168.083, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.260 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1693-1695). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received seventeen (17) letters with comments.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and changed the chapter name and the wording in section (2) which is reprinted for clarity.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

COMMENT: One (1) comment was received supporting speech implementers receiving a temporary authorization certificate of license to teach and eight (8) comments were received opposing the nine (9) hour credit renewal requirement for temporary authorization certificates of license to teach.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the wording change will be made in the compendium and sections (6) and (9) with sections (8) and (11) being deleted and sections (12)–(14) being renumbered. Those changes are reprinted here for clarity.

COMMENT: One (1) comment urged the board to allow superintendents to obtain a temporary authorization administrator's certificate of license to teach.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and changed the wording in sections (7) and (10) to allow for the issuance of a temporary authorization administrator's certificate of license to teach as a superintendent. Those sections are reprinted here for clarity.

Chapter 800—Educator Certification 5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach

(2) Applications for a Missouri temporary authorization certificate shall be submitted on the forms provided by the State Board of Education (the board) and may be obtained by writing the Educator Certification Section at the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(6) The applicant for a temporary authorization certificate (excluding a temporary authorization administrator's certificate) must comply with the following criteria:

(7) The applicant for a temporary authorization administrator's certificate for an administrator must comply with the following criteria:

(A) Possession of a valid Missouri certificate of license to teach;

(B) Completion of five (5) years teaching experience at the appropriate grade levels for which the temporary authorization administrator's certificate is sought in a public school or an accredited nonpublic school, or a combination of such schools;

(C) Possession of a master's or higher degree or currently enrolled in a state-approved master's or higher degree program for the preparation of an administrator; and

(D) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited nonpublic school.

(8) The temporary authorization certificate (excluding a temporary authorization administrator's certificate) is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(B) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(C) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(D) One of the following:

1. Completion of nine (9) semester hours of course work toward the professional certificate of license to teach in the area of assignment. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach; or

2. Completion of six (6) semester hours of course work toward the professional certificate of license to teach in the area of assignment and successful completion of the Missouri New Teacher Institute. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach.

(9) The temporary authorization administrator's certificate is valid for up to one (1) school year and may only be renewed annually for four (4) subsequent years. It may be renewed by joint application from the certificate holder and the employing Missouri public school district upon demonstration of the following:

(A) Continued contracted employment as an administrator with a Missouri public school district or accredited nonpublic school;

(B) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(C) Completion of nine (9) semester hours of course work toward the administrator's certificate of license to teach. The appropriate hours will be determined by the state-approved program for the preparation of an administrator's certificate of license to teach.

(10) The applicant shall be informed in writing of the decision regarding the application for a temporary authorization certificate.

(11) The holder of a temporary authorization certificate shall ensure that DESE has their current legal name and address.

(A) A holder of a temporary authorization certificate whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a temporary authorization certificate whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

(12) All Missouri public school districts are required to disclose the certification status of teachers holding temporary authorization certificate of license to teach by public notice in a form established by the board and consistent with applicable state laws and regulations.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 80—Teacher Quality and Urban Education Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011 and 168.021, RSMo 2000 and 161.092, 168.071 and 168.081, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.270 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1695-1696). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received sixteen (16) letters with comments.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and changed the chapter name and the wording in section (2) which is reprinted for clarity.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the wording change will be made in the compendium.

Chapter 800—Educator Certification

5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (the board) and may be obtained by writing and should be submitted to the coordinator for Vocational Technical Education, or for Junior Reserve Officer Training Corps (ROTC) certificates to the Educator Certification Section, Missouri Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or downloading from the Internet.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education

Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011 and 168.021, RSMo 2000 and 161.092, 168.071 and 168.081, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.280 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1696). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received sixteen (16) letters with comments.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments and changed the chapter name.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the wording change will be made in the compendium.

Chapter 800—Educator Certification

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education

Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011 and 168.021, RSMo 2000 and 161.092, 168.071 and 168.081, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.300 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1696-1698). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) letter of comment.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board has carefully reviewed the comment and changed the chapter name.

Chapter 800—Educator Certification

5 CSR 80-800.300 Discipline and Denial of Certificates of License to Teach

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011, 168.021 and 168.405, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.350 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1698-1701). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. Those subsections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received sixteen (16) letters with comments.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board has carefully reviewed the comment and changed the chapter name.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the wording change will be made in the compendium and subsections (2)(E) and (2)(I) which are reprinted here for clarity.

Chapter 800—Educator Certification

5 CSR 80-800.350 Certificate of License to Teach Content Areas

(2) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows:

- (E) Special education in one (1) or more of the following areas:
 - 1. Blind and partially sighted, grades K-12;
 - 2. Deaf and hearing impaired, grades K-12;
 - 3. Early childhood special education, birth-grade 3;
 - 4. Mild/moderate behavioral disordered, grades K-12;
 - 5. Mild/moderate cross-categorical, grades K-12;
 - 6. Mild/moderate learning disabled, grades K-12;
 - 7. Mild/moderate mentally handicapped, grades K-12;
 - 8. Mild/moderate physical and/or other health impairments, grades K-12;
 - 9. Severely developmentally disabled, grades K-12; and/or

10. Speech and language specialist, grades K-12;

(I) Student services certificates of license to teach may be issued in one (1) or more of the following areas:

- 1. School counselor, grades K-8, 7-12, and/or K-12;
- 2. Advanced school counselor, grades K-12;
- 3. School psychological examiner, grades K-12;
- 4. School psychologist, grades K-12;
- 5. Vocational adult education supervisor;
- 6. Post-secondary vocational counselor;
- 7. Placement coordinator; and/or
- 8. Vocational evaluator;

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011, 168.021, 168.405 and 168.409, RSMo 2000, and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.360 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1702-1703). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received sixteen (16) letters with comments.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the wording change will be made in the compendium and section (13) which will be reprinted for clarity.

5 CSR 80-800.360 Certificate of License to Teach Classifications

(13) Provisional certificates of license to teach may be issued to an individual for two (2) years and may be extended upon a showing of good cause or issued for five (5) years. Provisional certificates of license to teach may be issued in the following situations:

- (A) A two (2)-year provisional certificate of license to teach may be issued to an individual who has completed the academic requirements for a certificate of license to teach, but has not taken or passed the exit assessment(s) designated by the board;

(B) A two (2)-year provisional certificate of license to teach may be issued to an individual who has been admitted into a state-approved post-baccalaureate or alternative professional education program at a Missouri institution of higher education and is actively engaged in coursework to satisfy the requirements of the program;

(C) A two (2)-year provisional certificate of license to teach may be issued to an individual who has completed a teacher preparation program and is generally within twelve (12) semester hours of completion of the certification requirements as set forth in the compendium; or

(D) A five (5)-year provisional certificate of license to teach may be issued to an individual who possesses a valid certificate of license to teach from another state and has five (5) years teaching experiences in the same school district in the curriculum area and appropriate grade levels in another state.

2002 (27 MoReg 1768-1772). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received sixteen (16) letters with comments.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and changed the chapter name.

COMMENT: The board received a comment supporting the change in classification from professional to student services for speech-language pathologists. Another comment requested that the requirements for speech-language pathologists be reduced from a master's degree to a bachelor's degree.

COMMENT: Five (5) comments were received opposing the deletion of the learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach in 2006.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comments regarding amendments for speech-language pathologists, speech implementers, learning disabled (LD), behavioral disordered (BD), mentally handicapped (MH), and physical and other health impairments (POHI) certificates of license to teach, the board will not make any amendments to these areas at this time. Therefore, the wording change will be made in the compendium and Appendix A which will be reprinted for clarity.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011, 168.021, 168.405 and 168.409, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.370 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1703). Changes have been made in the text of the *Compendium of Missouri Certification Requirements* which is incorporated by reference. No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) letter of comment.

COMMENT: The board received a comment noting the section's name change.

RESPONSE AND EXPLANATION OF CHANGE: The board has carefully reviewed the comment and changed the chapter name.

**Chapter 800—Educator Certification
5 CSR 80-800.370 Fees**

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 168.011, 168.021, 168.405 and 168.409, RSMo 2000 and 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002, the board amends a rule as follows:

5 CSR 80-800.380 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1,

**Chapter 800—Educator Certification
5 CSR 80-800.380 Required Assessments for Professional
Education Certification in Missouri**

APPENDIX A**ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI**

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

Missouri Certificate of License to Teach	Test Code	Designated Assessment
Early Childhood Education, Birth–Grade 3	10020	Early Childhood Education
Early Childhood Special Education, Birth–Grade 3	10690	Special Education: Preschool/Early Childhood
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English-Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social Science	20089	MS Social Studies: Content Knowledge
Other Middle School Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science ¹	10120	Family and Consumer Sciences
Vocational and Non-Vocational		
Foreign Language:		
French K–12	20173	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music: Instrumental, Vocal K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
General Science	10435	General Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
Special Education K–12		
Mild–Moderate Cross-Categorical Disabilities ²	20353 and 10542	Education of Exceptional Students: Core Content Knowledge Education of Exceptional Students: Mild to Moderate Disabilities Special Education
Special Education K–12 ³	10350	
Mild–Moderate Disabilities (except cross-categorical), Blind/Partially Sighted, Hearing Impaired, Severely Developmentally Disabled		
Speech/Theatre	10220	Speech Communication
Speech and Language Specialist K–12 ⁵	20330	Speech–Language Pathology
Unified Science ⁴	—	—
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
K–12 or 9–12 teaching certification for which no specialty area assessment or content knowledge assessment is designated	30524	Principles of Learning and Teaching, Grades 7–12
School Counselor K–8, 7–12 ⁵	20420	School Guidance and Counseling
School Psychologist K–12 ⁵	10400	School Psychologist
Building–Level Administrator ⁵	11010	School Leaders Licensure Assessment (SLLA)
Principal K–8, 9–12		

Special Education Administrator K-12
Vocational School Director
District-Level Administrator (Superintendent) K-12⁵ 11020 School Superintendent Assessment (SSA)

¹ Additional certification by completion of the designated assessment only is limited to Non-Vocational.

² Additional certification by completion of the designated assessment only is limited to Mild-Moderate Cross-Categorical Disabilities.

³ Additional certification by completion of the designated assessment only is not applicable in these categories of special education.

⁴ Not available by completion of the designated assessment only; also requires completion of a program of study for the unified science core with the area of specialization from a state-approved institution.

⁵ Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION**
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000, the board amends a rule as follows:

5 CSR 90-4.300 Order of Selection for Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2002 (27 MoReg 1703–1704). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.550 and 301.560, RSMo Supp. 2002 and 301.553 and 301.562, RSMo 2000, the director amends a rule as follows:

12 CSR 10-26.060 Dealer License Plates/Certificates of Number is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1964–1965). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 19—Energy Assistance

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Family Services under section 207.020, RSMo 2000, the director amends a rule as follows:

13 CSR 40-19.020 Low Income Home Energy Assistance Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2002 (27 MoReg 1872–1874). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.010 Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1965). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.020 Delivery of Records is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1965–1966). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.030 Forms is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1966). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.040 Fees is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1966). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.050 Methods of Payment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1966–1967). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.060 Overpayment and Underpayment of Fee is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1967). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.070 Filing Officer's Duties are Ministerial is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1967). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.075 Bulk Records is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1967–1968). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.076 Multiple Names is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1968). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.080 Notification of Defects is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1968). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.090 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1968-1969). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received. The agency on its own initiative modified the rule to respond to records that were not created pursuant to Chapter 400.9, RSMo, or intended for an improper purpose, such as to hinder, harass, or otherwise wrongfully interfere with any person. The agency has noticed increased activity in the attempted filing of records to harass or wrongfully interfere with Missouri citizens. To address this problem, the agency added sections (7) through (10) and the word “cancellation” in the title of the rule.

15 CSR 30-90.090 Refusal to File; Cancellation; Defects in Filing

(7) The secretary of state may refuse to accept filing of a UCC record when the secretary of state determines that the record is not created pursuant to Chapter 400.9, RSMo, or is otherwise intended for an improper purpose, such as to hinder, harass, or otherwise wrongfully interfere with any person.

(8) The secretary of state shall cancel a previously filed record if:

(A) A correction statement alleging that a previously filed record was wrongfully filed and that it should have been rejected under section (7) of this rule;

(B) Such correction statement includes a written certification, under oath, by the person that the contents of the correction statement are true and accurate to the best of the person's knowledge; and

(C) The secretary of state, without undue delay, determines that the contested record was wrongfully filed and should have been rejected. In order to determine whether the record was wrongfully filed, the secretary of state may require the person filing the correction statement and the secured party to provide any additional relevant information requested by the secretary of state, including an original or a copy of any security agreement that is related to the record. If the secretary of state finds that the record was wrongfully filed and should have been rejected under section (7) of this rule, the secretary of state shall cancel the record and it shall be void and of no effect.

(9) If the secretary of state cancels a record under section (8), the secretary shall communicate to the person that presented the record the fact of and reason for the cancellation.

(10) If the secretary of state refuses to accept a record for filing pursuant to section (7) of this rule or cancels a wrongfully filed record pursuant to section (8) of this rule, the secured party may file an appeal within thirty (30) days after the refusal or cancellation in the Circuit Court of Cole County.

(A) Filing a petition requesting to be allowed to file the document commences the appeal. The petition shall be filed with the court and

the secretary of state and shall have the record attached to it. Upon the commencement of an appeal, it shall be advanced on the court docket and heard and decided by the court as soon as possible.

(B) Upon consideration of the petition and other appropriate pleadings, the court may order the secretary of state to file the record or take other action the court considers appropriate, including the entry of orders affirming, reversing, or otherwise modifying the decision of the secretary of state. The court may order other relief, including equitable relief, as may be appropriate.

(C) The court's final decision may be appealed as in other civil proceedings.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.100 Deadline to Refuse Filing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1969). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.105 Acknowledgements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1969-1970). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.110 Filing Office Data Entry is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1970). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.120 Status of Parties upon Filing Initial Financing Statement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1970). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.130 Status of Parties upon Filing an Amendment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1971). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.140 Status of Party upon Filing an Assignment is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1971). No changes have been made in the text of the pro-

posed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.150 Status of Party upon Filing a Continuation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1971-1972). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.160 Status of Parties upon Filing a Termination is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1972). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.170 Status of Parties upon Filing a Correction Statement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1972). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.180 Time Limit for Filing a Continuation Statement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1972). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.190 Errors in Filing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1973). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.200 Notice of Bankruptcy is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1973). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.201 UCC Information Management System is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1973). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.202 Non-XML Filing and Search is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1973–1974). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.203 XML Records is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1974). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.204 Primary Data Elements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1974). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.210 Searches is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1974–1975). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.220 Search Logic is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1975). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.230 Search Reports is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1975–1976). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

ORDER OF RULEMAKING

By the authority vested in the secretary of state under section 400.9-526, RSMo Supp. 2001, the secretary adopts a rule as follows:

15 CSR 30-90.240 Transition Searches is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1976). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 10—Vital Records

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health and Senior Services under section 193.145, RSMo 2000, the director amends a rule as follows:

19 CSR 10-10.050 Death Certificate Form is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1988). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE
Division 600—Statistical Reporting
Chapter 1—Reports Other Than Annual Statement and Credit Insurance

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 600-1.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2002 (27 MoReg 1996). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance received one (1) comment.

COMMENT: It was suggested that the proposed rule be amended to clarify the definition of "costs" to provide insurers additional notice of what would be required by the filing requirement of the proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: In order to clarify the definitions and give notice of what would be included in the data required to be included in the annual filing, the department has added the term "data elements" to the definition portion of the proposed rule and renumbered the remaining provisions of section (1) of the proposed rule.

EXPLANATION OF ADDITIONAL CHANGE: Due to the planned effective date of this proposed rule, the department has changed the provisions of subsection (2)(B) to allow for the first reporting due date to be changed to a later date. All subsequent filings will be due by March 31 of that subsequent year.

20 CSR 600-1.020 Dram Shop Cost Data Reporting

(1) Definitions. When used in this regulation—

(A) Costs associated with coverage means those expenses and fees incurred by insurers relating to dram shop liability coverage that are required to be reported to the director as outlined in the data reporting form required by section (2) of this regulation;

(B) Data elements include premium written and earned, losses paid and incurred, exposures, loss adjustment expenses and defense costs, and other administrative and underwriting expenses included on the statutory state page of the annual statement;

(C) Director means the director of the Department of Insurance;

(D) Dram shop liability coverage means property and casualty liability insurance covering risk associated with commercial vendors licensed to sell intoxicating liquor by the drink for consumption on the premises; and

(E) Insurer means every insurance company authorized to transact insurance business in this state, every unauthorized insurance company transacting business pursuant to Chapter 384, RSMo, every risk retention group, every insurance company issuing insurance to or through a purchasing group, and any other person providing insurance coverage in this state.

(2) Report.

(B) The initial report shall be in writing and shall be made to the director by April 30, 2003, for the twelve (12) months ending December 31, 2002, on the form provided by the department. Every subsequent report shall also be in writing and shall be made to the director annually on or before March 31 of each year beginning March 31, 2004, for the twelve (12) months ending December 31 next preceding on the form provided by the department.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Metro Credit Union 447 South Campbell Ave. Springfield, MO 65806	Those who live or work in the following zip codes: 65802, 65803, 65804, 65809, 65810, 65714, 65721
West Community Credit Union 2345 South Brentwood St. Louis, MO 63144	Persons living or working in St. Charles County, Missouri

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the *Missouri Register*.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 100—Division of Credit Unions

**ACTIONS TAKEN ON APPLICATIONS FOR NEW
GROUPS OR GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
United Community Credit Union 1001 Vermont Street Quincy, IL 62301	Persons living (residing) or working in the counties of Lewis, Marion and Ralls; an underserved and low-income area.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

Notice of Winding Up for Limited Liability Company

(Submit in duplicate with filing fee of \$25)

1. The name of the limited liability company is:

Three Rivers Glass, LLC

2. The articles of organization for the limited liability company were filed on the following date: February 22, 2000

Month/Day/Year

3. Persons with claims against the limited liability company should present them in accordance with the following procedure:

- A) In order to file a claim with the limited liability company, you must furnish the following:

- i) Amount of the claim
- ii) Basis for the claim
- iii) Documentation of the claim

- B) The claim must be mailed to:

Scott A. Robbins
Name

P.O. Box 696, 1165 Cherry Street
Street Address

Poplar Bluff, MO 63902
City/State/Zip

4. A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notice.

"NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY"

TO ALL CREDITORS AND CLAIMANTS AGAINST Vacation Country, L.L.C., a Missouri limited liability company (the "Company"):

You are hereby notified that the Company has terminated, effective December 27, 2002, and is in the process of winding up its affairs. All persons having claims against the Company must present their claims in writing and mail their claims to:

Daniel C. Ruda
245 S. Wilwood Dr.
Branson, MO 65616

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced with three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) amount of the claim; (b) basis for the claim; and (c) documentation of the claim."

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us.

B1E03154 Sound System, State Fair 2/18/03
B1E03185 Bakery Products-St. Louis Area 2/18/03
B3E03142 Portable Sanitation Services 2/18/03
B3Z03105 HIV Client Services Administration 2/18/03
B3Z03107 HIV Case Management—Central Missouri Region 2/18/03
B3Z03152 Evaluation of Professional Development Projects 2/18/03
B1E03181 Passenger Bus 2/19/03
B1E03195 Reagents 2/21/03
B1Z03196 Meats-April 2/21/03
B3E03091 Vending Machine Services 2/21/03
B3E03157 Medical Laboratory Services 2/21/03
B1E03178 Straight Line Rip Saw 2/21/03
B3Z03136 Cognitive Restructuring Therapy Services 2/21/03
B1E03115 Office Supplies: Statewide 2/24/03
B3E03132 HVAC Chiller Maintenance 2/25/03
B1E03192 Trencher 2/26/03
B1E03193 Culvert Pipe 2/26/03
B3E03128 Window Washing Services-Capitol Complex 2/26/03
B3E03147 Investigative Services 2/26/03
B3Z03138 Communication Plan/Marketing Campaign 2/26/03
B1E03165 Paper, Office & Print Shop 2/28/03
B3E03159 Medical Laboratory Services 3/3/03
B3E03165 Wet Trash Collection 3/3/03
B2E03036 Kodak Scanner Maintenance 3/4/03
B2E03039 Imaging Scanner Maintenance 3/4/03
B3Z03110 Youth Residential Treatment Services 3/11/03
B3Z03068 Missouri Universal Service Fund Administrator 3/13/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

Decontamination System, supplied by Biotech Systems.

Advertising in *Rural Missouri* and *Today's Farmer*, supplied by Rural Missouri.

James Miluski, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 15-3.200	Administrative Hearing Commission	27 MoReg 2259	27 MoReg 2266		
1 CSR 20-1.040	Personnel Advisory Board and Division of Personnel		27 MoReg 1861	This Issue	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel	28 MoReg 103	28 MoReg 128 28 MoReg 225	28 MoReg 236T	
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		27 MoReg 1861	This Issue	
1 CSR 20-5.010	Personnel Advisory Board and Division of Personnel		27 MoReg 1865	This Issue	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	27 MoReg 847	27 MoReg 1865	This Issue	
1 CSR 40-1.090	Purchasing and Materials Management		27 MoReg 1107 28 MoReg 8		

DEPARTMENT OF AGRICULTURE					
2 CSR 70-16.010	Plant Industries		This Issue		
2 CSR 70-16.015	Plant Industries		This Issue		
2 CSR 70-16.020	Plant Industries		This Issue		
2 CSR 70-16.025	Plant Industries		This Issue		
2 CSR 70-16.030	Plant Industries		This Issue		
2 CSR 70-16.035	Plant Industries		This Issue		
2 CSR 70-16.040	Plant Industries		This Issue		
2 CSR 70-16.045	Plant Industries		This Issue		
2 CSR 70-16.050	Plant Industries		This Issue		
2 CSR 70-16.055	Plant Industries		This Issue		
2 CSR 70-16.060	Plant Industries		This Issue		
2 CSR 70-16.065	Plant Industries		This Issue		
2 CSR 70-16.070	Plant Industries		This Issue		
2 CSR 70-16.075	Plant Industries		This Issue		
2 CSR 70-40.015	Plant Industries		27 MoReg 1561R 27 MoReg 1561	This IssueR This Issue	
2 CSR 70-40.025	Plant Industries		27 MoReg 1562R 27 MoReg 1563	This IssueR This Issue	
2 CSR 70-40.040	Plant Industries		27 MoReg 1563R 27 MoReg 1563	This IssueR This Issue	
2 CSR 70-40.045	Plant Industries		27 MoReg 1564	This IssueW	
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-20.040	Weights and Measures	27 MoReg 1559	27 MoReg 1564	28 MoReg 49	
2 CSR 90-22.140	Weights and Measures		27 MoReg 1868	28 MoReg 236	
2 CSR 90-23.010	Weights and Measures		27 MoReg 1868	28 MoReg 236	
2 CSR 90-25.010	Weights and Measures		27 MoReg 1869	28 MoReg 236	
2 CSR 90-30.040	Weights and Measures	27 MoReg 1559	27 MoReg 1565	28 MoReg 49	
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 90-36.010	Weights and Measures		27 MoReg 2053R 27 MoReg 2053		
2 CSR 90-36.020	Weights and Measures		27 MoReg 2058R		
2 CSR 110-1.010	Office of the Director	27 MoReg 1439	27 MoReg 1443	28 MoReg 168	

DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		28 MoReg 8		
3 CSR 10-4.130	Conservation Commission		27 MoReg 971	27 MoReg 1478F	
3 CSR 10-4.141	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.205	Conservation Commission		27 MoReg 972	27 MoReg 1478F	
3 CSR 10-5.215	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.225	Conservation Commission		27 MoReg 973	27 MoReg 1478F	
3 CSR 10-5.351	Conservation Commission		27 MoReg 1186	27 MoReg 1997F	
3 CSR 10-5.359	Conservation Commission		27 MoReg 1188	27 MoReg 1997F	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-5.360	Conservation Commission		27 MoReg 1190	27 MoReg 1998F	
3 CSR 10-5.420	Conservation Commission	This Issue			
3 CSR 10-5.460	Conservation Commission		27 MoReg 974	27 MoReg 1479F	
3 CSR 10-5.465	Conservation Commission		27 MoReg 975	27 MoReg 1479F	
3 CSR 10-6.410	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.415	Conservation Commission		27 MoReg 978	27 MoReg 1481F	
3 CSR 10-6.505	Conservation Commission		27 MoReg 1444	27 MoReg 2086F	
3 CSR 10-6.540	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.550	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-6.605	Conservation Commission		27 MoReg 979	27 MoReg 1482F	
3 CSR 10-7.410	Conservation Commission		27 MoReg 980	27 MoReg 1482F	
3 CSR 10-7.455	Conservation Commission		27 MoReg 980	27 MoReg 1482F	28 MoReg 55
3 CSR 10-8.510	Conservation Commission		27 MoReg 981	27 MoReg 1482F	27 MoReg 1902
3 CSR 10-8.515	Conservation Commission		27 MoReg 981	27 MoReg 1483F	
3 CSR 10-9.106	Conservation Commission		27 MoReg 982	27 MoReg 1483F	
3 CSR 10-9.110	Conservation Commission		27 MoReg 982	27 MoReg 1483F	
3 CSR 10-9.220	Conservation Commission		27 MoReg 983	27 MoReg 1483F	
3 CSR 10-9.230	Conservation Commission		28 MoReg 225		
3 CSR 10-9.351	Conservation Commission		27 MoReg 986	27 MoReg 1483F	
3 CSR 10-9.353	Conservation Commission		27 MoReg 986	27 MoReg 1483F	
		27 MoReg 1441	27 MoReg 1445	28 MoReg 236	
		27 MoReg 1441T			
3 CSR 10-9.359	Conservation Commission		27 MoReg 986	27 MoReg 1484F	
3 CSR 10-9.560	Conservation Commission		27 MoReg 987	27 MoReg 1484F	
3 CSR 10-9.565	Conservation Commission		27 MoReg 1441	27 MoReg 1448	28 MoReg 241
27 MoReg 1441T					
3 CSR 10-9.566	Conservation Commission		27 MoReg 1765	27 MoReg 2303F	
3 CSR 10-9.570	Conservation Commission		27 MoReg 988	27 MoReg 1484F	
3 CSR 10-9.575	Conservation Commission		27 MoReg 988	27 MoReg 1484F	
3 CSR 10-9.627	Conservation Commission		27 MoReg 1766	27 MoReg 2303F	
3 CSR 10-9.628	Conservation Commission		27 MoReg 1766	27 MoReg 2303F	
3 CSR 10-9.630	Conservation Commission		27 MoReg 989R	27 MoReg 1485F	
3 CSR 10-9.645	Conservation Commission		27 MoReg 989	27 MoReg 1485F	
3 CSR 10-10.743	Conservation Commission		27 MoReg 990	27 MoReg 1485F	
3 CSR 10-11.145	Conservation Commission		27 MoReg 991	27 MoReg 1486F	
3 CSR 10-11.155	Conservation Commission		27 MoReg 992	27 MoReg 1486F	
3 CSR 10-11.160	Conservation Commission		27 MoReg 992	27 MoReg 1486F	
3 CSR 10-11.165	Conservation Commission		27 MoReg 993	27 MoReg 1486F	
3 CSR 10-11.182	Conservation Commission		27 MoReg 1452	27 MoReg 2086F	
3 CSR 10-11.186	Conservation Commission		27 MoReg 995	27 MoReg 1487F	
3 CSR 10-11.205	Conservation Commission		27 MoReg 996	27 MoReg 1487F	
3 CSR 10-11.210	Conservation Commission		27 MoReg 996	27 MoReg 1487F	
3 CSR 10-11.215	Conservation Commission		27 MoReg 997	27 MoReg 1487F	
3 CSR 10-12.110	Conservation Commission		27 MoReg 998	27 MoReg 1488F	
3 CSR 10-12.135	Conservation Commission		27 MoReg 1453	27 MoReg 2086F	
3 CSR 10-12.140	Conservation Commission		27 MoReg 1453	27 MoReg 2086F	
3 CSR 10-12.145	Conservation Commission		27 MoReg 1454	27 MoReg 2087F	
3 CSR 10-20.805	Conservation Commission		27 MoReg 1937	28 MoReg 168	

DEPARTMENT OF ECONOMIC DEVELOPMENT

4 CSR 10-2.022	Missouri State Board of Accountancy	27 MoReg 2266
4 CSR 30-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2127
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2127
4 CSR 30-4.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2128
4 CSR 30-4.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2128R
4 CSR 30 4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	28 MoReg 128
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2129
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2132
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2135
4 CSR 30-9.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2135R
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	27 MoReg 2135

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2139		
4 CSR 30-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 131		
4 CSR 30-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2144		
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145		
4 CSR 30-15.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145R		
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 135		
4 CSR 90-13.050	State Board of Cosmetology		28 MoReg 137		
4 CSR 100	Division of Credit Unions				28 MoReg 55 28 MoReg 190 28 MoReg 103
4 CSR 100-2.005	Division of Credit Unions		27 MoReg 1768	28 MoReg 169	
4 CSR 140-2.055	Division of Finance		This Issue		
4 CSR 140-2.140	Division of Finance		This Issue		
4 CSR 140-11.010	Division of Finance		This IssueR		
4 CSR 140-11.020	Division of Finance		This IssueR		
4 CSR 140-11.030	Division of Finance		This Issue		
4 CSR 140-11.040	Division of Finance		This Issue		
4 CSR 150-2.150	State Board of Registration for the Healing Arts		27 MoReg 2267		
4 CSR 150-3.200	State Board of Registration for the Healing Arts		27 MoReg 2267		
4 CSR 150-3.210	State Board of Registration for the Healing Arts		27 MoReg 1565	28 MoReg 49	
4 CSR 150-4.220	State Board of Registration for the Healing Arts		27 MoReg 1568	28 MoReg 49	
4 CSR 150-5.100	State Board of Registration for the Healing Art		27 MoReg 2146		
4 CSR 150-6.080	State Board of Registration for the Healing Arts		27 MoReg 1570	28 MoReg 50	
4 CSR 150-7.320	State Board of Registration for the Healing Arts		27 MoReg 1572	28 MoReg 50	
4 CSR 150-8.140	State Board of Registration for the Healing Arts		28 MoReg 139		
4 CSR 150-8.150	State Board of Registration for the Healing Arts		27 MoReg 1574	28 MoReg 50	
4 CSR 196-1.010	Landscape Architectural Council		27 MoReg 2146R		
4 CSR 196-1.020	Landscape Architectural Council		27 MoReg 2147R		
4 CSR 196-2.020	Landscape Architectural Council		27 MoReg 2147R		
4 CSR 196-2.030	Landscape Architectural Council		27 MoReg 2147R		
4 CSR 196-2.040	Landscape Architectural Council		27 MoReg 2148R		
4 CSR 196-3.010	Landscape Architectural Council		27 MoReg 2148R		
4 CSR 196-4.010	Landscape Architectural Council		27 MoReg 2148R		
4 CSR 196-5.010	Landscape Architectural Council		27 MoReg 2148R		
4 CSR 196-6.010	Landscape Architectural Council		27 MoReg 2149R		
4 CSR 196-7.010	Landscape Architectural Council		27 MoReg 2149R		
4 CSR 196-9.010	Landscape Architectural Council		27 MoReg 2149R		
4 CSR 196-10.010	Landscape Architectural Council		27 MoReg 2150R		
4 CSR 196-11.010	Landscape Architectural Council		27 MoReg 2150R		
4 CSR 196-12.010	Landscape Architectural Council		27 MoReg 2150R		
4 CSR 200-4.200	State Board of Nursing		27 MoReg 2150		
4 CSR 205-3.030	Missouri Board of Occupational Therapy		27 MoReg 2151		
4 CSR 205-3.040	Missouri Board of Occupational Therapy		27 MoReg 2152		
4 CSR 205-3.050	Missouri Board of Occupational Therapy		27 MoReg 2152		
4 CSR 205-3.060	Missouri Board of Occupational Therapy		27 MoReg 2152		
4 CSR 205-4.010	Missouri Board of Occupational Therapy		27 MoReg 2153		
4 CSR 205-5.010	Missouri Board of Occupational Therapy		27 MoReg 2153		
4 CSR 220-2.020	State Board of Pharmacy		28 MoReg 9		
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268		
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R		
			28 MoReg 10		
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20		
4 CSR 220-2.650	State Board of Pharmacy		28 MoReg 21		
4 CSR 220-2.700	State Board of Pharmacy		27 MoReg 2268		
4 CSR 230-2.070	State Board of Podiatric Medicine		28 MoReg 139		
4 CSR 232-3.010	Missouri State Committee of Interpreters		27 MoReg 2269		
4 CSR 240-2.060	Public Service Commission		27 MoReg 1576		
4 CSR 240-2.200	Public Service Commission		27 MoReg 1578R		
4 CSR 240-3.010	Public Service Commission		27 MoReg 1578		
4 CSR 240-3.015	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.020	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.025	Public Service Commission		27 MoReg 1580		
4 CSR 240-3.030	Public Service Commission		27 MoReg 1581		
4 CSR 240-3.100	Public Service Commission		27 MoReg 1582		
4 CSR 240-3.105	Public Service Commission		27 MoReg 1583		
4 CSR 240-3.110	Public Service Commission		27 MoReg 1584		
4 CSR 240-3.115	Public Service Commission		27 MoReg 1584		
4 CSR 240-3.120	Public Service Commission		27 MoReg 1585		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.125	Public Service Commission		27 MoReg 1585		
4 CSR 240-3.130	Public Service Commission		27 MoReg 1586		
4 CSR 240-3.135	Public Service Commission		27 MoReg 1586		
4 CSR 240-3.140	Public Service Commission		27 MoReg 1587		
4 CSR 240-3.145	Public Service Commission		27 MoReg 1588		
4 CSR 240-3.150	Public Service Commission		27 MoReg 1591		
4 CSR 240-3.155	Public Service Commission		27 MoReg 1592		
4 CSR 240-3.160	Public Service Commission		27 MoReg 1593		
4 CSR 240-3.165	Public Service Commission		27 MoReg 1593		
4 CSR 240-3.175	Public Service Commission		27 MoReg 1594		
4 CSR 240-3.180	Public Service Commission		27 MoReg 1594		
4 CSR 240-3.185	Public Service Commission		27 MoReg 1595		
4 CSR 240-3.190	Public Service Commission		27 MoReg 1596		
4 CSR 240-3.200	Public Service Commission		27 MoReg 1597		
4 CSR 240-3.205	Public Service Commission		27 MoReg 1599		
4 CSR 240-3.210	Public Service Commission		27 MoReg 1600		
4 CSR 240-3.215	Public Service Commission		27 MoReg 1600		
4 CSR 240-3.220	Public Service Commission		27 MoReg 1601		
4 CSR 240-3.225	Public Service Commission		27 MoReg 1601		
4 CSR 240-3.230	Public Service Commission		27 MoReg 1602		
4 CSR 240-3.235	Public Service Commission		27 MoReg 1602		
4 CSR 240-3.240	Public Service Commission		27 MoReg 1603		
4 CSR 240-3.245	Public Service Commission		27 MoReg 1604		
4 CSR 240-3.250	Public Service Commission		27 MoReg 1604		
4 CSR 240-3.255	Public Service Commission		27 MoReg 1605		
4 CSR 240-3.260	Public Service Commission		27 MoReg 1606		
4 CSR 240-3.270	Public Service Commission		27 MoReg 1606		
4 CSR 240-3.275	Public Service Commission		27 MoReg 1607		
4 CSR 240-3.280	Public Service Commission		27 MoReg 1608		
4 CSR 240-3.285	Public Service Commission		27 MoReg 1608		
4 CSR 240-3.290	Public Service Commission		27 MoReg 1609		
4 CSR 240-3.295	Public Service Commission		27 MoReg 1609		
4 CSR 240-3.300	Public Service Commission		27 MoReg 1610		
4 CSR 240-3.305	Public Service Commission		27 MoReg 1610		
4 CSR 240-3.310	Public Service Commission		27 MoReg 1611		
4 CSR 240-3.315	Public Service Commission		27 MoReg 1611		
4 CSR 240-3.320	Public Service Commission		27 MoReg 1612		
4 CSR 240-3.325	Public Service Commission		27 MoReg 1612		
4 CSR 240-3.330	Public Service Commission		27 MoReg 1613		
4 CSR 240-3.335	Public Service Commission		27 MoReg 1614		
4 CSR 240-3.340	Public Service Commission		27 MoReg 1614		
4 CSR 240-3.400	Public Service Commission		27 MoReg 1616		
4 CSR 240-3.405	Public Service Commission		27 MoReg 1617		
4 CSR 240-3.410	Public Service Commission		27 MoReg 1617		
4 CSR 240-3.415	Public Service Commission		27 MoReg 1618		
4 CSR 240-3.420	Public Service Commission		27 MoReg 1618		
4 CSR 240-3.425	Public Service Commission		27 MoReg 1619		
4 CSR 240-3.435	Public Service Commission		27 MoReg 1620		
4 CSR 240-3.500	Public Service Commission		27 MoReg 1620		
4 CSR 240-3.505	Public Service Commission		27 MoReg 1621		
4 CSR 240-3.510	Public Service Commission		27 MoReg 1621		
4 CSR 240-3.515	Public Service Commission		27 MoReg 1622		
4 CSR 240-3.520	Public Service Commission		27 MoReg 1622		
4 CSR 240-3.525	Public Service Commission		27 MoReg 1623		
4 CSR 240-3.530	Public Service Commission		27 MoReg 1624		
4 CSR 240-3.535	Public Service Commission		27 MoReg 1624		
4 CSR 240-3.540	Public Service Commission		27 MoReg 1625		
4 CSR 240-3.545	Public Service Commission		27 MoReg 1625		
4 CSR 240-3.550	Public Service Commission		27 MoReg 1630		
4 CSR 240-3.555	Public Service Commission		27 MoReg 1631		
4 CSR 240-3.600	Public Service Commission		27 MoReg 1632		
4 CSR 240-3.605	Public Service Commission		27 MoReg 1632		
4 CSR 240-3.610	Public Service Commission		27 MoReg 1633		
4 CSR 240-3.615	Public Service Commission		27 MoReg 1633		
4 CSR 240-3.620	Public Service Commission		27 MoReg 1634		
4 CSR 240-3.625	Public Service Commission		27 MoReg 1634		
4 CSR 240-3.630	Public Service Commission		27 MoReg 1635		
4 CSR 240-3.635	Public Service Commission		27 MoReg 1636		
4 CSR 240-3.640	Public Service Commission		27 MoReg 1636		
4 CSR 240-3.645	Public Service Commission		27 MoReg 1637		
4 CSR 240-10.070	Public Service Commission		27 MoReg 1638R		
4 CSR 240-10.080	Public Service Commission		27 MoReg 1638R		
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259	27 MoReg 1639		
4 CSR 240-14.040	Public Service Commission		27 MoReg 1639R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-20.010	Public Service Commission		27 MoReg 1640R		
4 CSR 240-20.030	Public Service Commission		27 MoReg 1640		
4 CSR 240-20.060	Public Service Commission		27 MoReg 1641		
4 CSR 240-20.070	Public Service Commission		27 MoReg 1644		
4 CSR 240-20.080	Public Service Commission		27 MoReg 1646R		
4 CSR 240-21.010	Public Service Commission		27 MoReg 1646R		
4 CSR 240-30.010	Public Service Commission		27 MoReg 1646R		
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159		
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160		
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163		
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166		
4 CSR 240-32.030	Public Service Commission		27 MoReg 1647R		
4 CSR 240-33.060	Public Service Commission		27 MoReg 1647		
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169		
4 CSR 240-40.010	Public Service Commission		27 MoReg 1648R		
4 CSR 240-40.040	Public Service Commission		27 MoReg 1648		
4 CSR 240-45.010	Public Service Commission		27 MoReg 1649R		
4 CSR 240-50.010	Public Service Commission		27 MoReg 1650R		
4 CSR 240-51.010	Public Service Commission		27 MoReg 1650R		
4 CSR 240-60.030	Public Service Commission		27 MoReg 1650R		
4 CSR 240-80.010	Public Service Commission		27 MoReg 1651R		
4 CSR 240-80.020	Public Service Commission		27 MoReg 1651		
4 CSR 240-120.140	Public Service Commission	This Issue			
4 CSR 240-123.030	Public Service Commission	This Issue			
4 CSR 263-1.010	State Committee for Social Workers		27 MoReg 2169		
4 CSR 263-1.015	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.025	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-1.035	State Committee for Social Workers		27 MoReg 2170		
4 CSR 263-2.020	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.022	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.030	State Committee for Social Workers		27 MoReg 2171		
4 CSR 263-2.031	State Committee for Social Workers		27 MoReg 2172		
4 CSR 263-2.032	State Committee for Social Workers		27 MoReg 2173		
4 CSR 263-2.045	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.047	State Committee for Social Workers		27 MoReg 2174		
4 CSR 263-2.050	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.052	State Committee for Social Workers		27 MoReg 2178		
4 CSR 263-2.060	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.062	State Committee for Social Workers		27 MoReg 2182		
4 CSR 263-2.070	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.072	State Committee for Social Workers		27 MoReg 2186		
4 CSR 263-2.075	State Committee for Social Workers		27 MoReg 2186		
4 CSR 265-2.070	Division of Motor Carrier and Railroad Safety	27 MoReg 2259	27 MoReg 2269		
4 CSR 265-2.080	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.085	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.090	Division of Motor Carrier and Railroad Safety	27 MoReg 2260	27 MoReg 2270		
4 CSR 265-2.100	Division of Motor Carrier and Railroad Safety	27 MoReg 2261	27 MoReg 2271		
4 CSR 265-2.110	Division of Motor Carrier and Railroad Safety	27 MoReg 2261	27 MoReg 2271		
4 CSR 265-2.115	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2271		
4 CSR 265-2.116	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2272		
4 CSR 265-2.120	Division of Motor Carrier and Railroad Safety	27 MoReg 2262	27 MoReg 2272		
4 CSR 265-2.130	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2272		
4 CSR 265-2.140	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2273		
4 CSR 265-2.150	Division of Motor Carrier and Railroad Safety	27 MoReg 2263	27 MoReg 2273		
4 CSR 265-4.010	Division of Motor Carrier and Railroad Safety	27 MoReg 2264	27 MoReg 2273		
4 CSR 265-4.020	Division of Motor Carrier and Railroad Safety	27 MoReg 2264	27 MoReg 2274		
4 CSR 267-1.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1652	28 MoReg 50	
4 CSR 267-1.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1653	28 MoReg 50	
4 CSR 267-1.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1657	28 MoReg 51	
4 CSR 267-2.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1660	28 MoReg 51	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1664	28 MoReg 51	
4 CSR 267-2.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1664	28 MoReg 51	
4 CSR 267-3.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1668	28 MoReg 51	
4 CSR 267-4.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1670	28 MoReg 52	
4 CSR 267-5.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1673	28 MoReg 52	
4 CSR 267-5.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1676	28 MoReg 52	
4 CSR 267-5.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1678	28 MoReg 52	
4 CSR 267-5.040	Office of Tattooing, Body Piercing and Branding		27 MoReg 1681	28 MoReg 52	
4 CSR 267-6.010	Office of Tattooing, Body Piercing and Branding		27 MoReg 1683	28 MoReg 53	
4 CSR 267-6.020	Office of Tattooing, Body Piercing and Branding		27 MoReg 1685	28 MoReg 53	
4 CSR 267-6.030	Office of Tattooing, Body Piercing and Branding		27 MoReg 1687	28 MoReg 53	

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-4.010	Division of Administrative and Financial Services	This IssueR			
5 CSR 30-4.030	Division of Administrative and Financial Services	27 MoReg 1937R	This IssueR		
		27 MoReg 1938	This Issue		
5 CSR 30-660.070	Division of Administrative and Financial Services	27 MoReg 2191			
5 CSR 50-270.010	Division of School Improvement	27 MoReg 2191			
5 CSR 50-340.150	Division of School Improvement	27 MoReg 2193			
5 CSR 50-355.100	Division of School Improvement	This Issue			
5 CSR 50-380.020	Division of School Improvement	27 MoReg 2196			
5 CSR 60-100.020	Vocational and Adult Education	27 MoReg 1941			
5 CSR 60-480.100	Vocational and Adult Education	27 MoReg 1943R			
		27 MoReg 1943			
5 CSR 60-900.050	Vocational and Adult Education	27 MoReg 1947			
5 CSR 80-800.200	Teacher Quality and Urban Education	27 MoReg 1689	This Issue		
5 CSR 80-800.220	Teacher Quality and Urban Education	27 MoReg 1690	This Issue		
5 CSR 80-800.230	Teacher Quality and Urban Education	27 MoReg 1691	This Issue		
5 CSR 80-800.260	Teacher Quality and Urban Education	27 MoReg 1693	This Issue		
5 CSR 80-800.270	Teacher Quality and Urban Education	27 MoReg 1695	This Issue		
5 CSR 80-800.280	Teacher Quality and Urban Education	27 MoReg 1696	This Issue		
5 CSR 80-800.300	Teacher Quality and Urban Education	27 MoReg 1696	This Issue		
5 CSR 80-800.350	Teacher Quality and Urban Education	27 MoReg 1698	This Issue		
5 CSR 80-800.360	Teacher Quality and Urban Education	27 MoReg 1702	This Issue		
5 CSR 80-800.370	Teacher Quality and Urban Education	27 MoReg 1703	This Issue		
5 CSR 80-800.380	Teacher Quality and Urban Education	27 MoReg 1768	This Issue	27 MoReg 2017	
5 CSR 80-805.015	Teacher Quality and Urban Education	27 MoReg 1950			
5 CSR 80-805.040	Teacher Quality and Urban Education	27 MoReg 1950			
5 CSR 80-850.045	Teacher Quality and Urban Education	27 MoReg 2198			
5 CSR 90-4.300	Vocational Rehabilitation	27 MoReg 1703	This Issue		

DEPARTMENT OF TRANSPORTATION

7 CSR 10-3.010	Missouri Highways and Transportation Commission	27 MoReg 2058			
7 CSR 10-3.040	Missouri Highways and Transportation Commission	27 MoReg 2063			
7 CSR 10-10.010	Missouri Highways and Transportation Commission	28 MoReg 21			
7 CSR 10-10.030	Missouri Highways and Transportation Commission	28 MoReg 23			
7 CSR 10-10.040	Missouri Highways and Transportation Commission	28 MoReg 23			
7 CSR 10-10.050	Missouri Highways and Transportation Commission	28 MoReg 24			
7 CSR 10-10.060	Missouri Highways and Transportation Commission	28 MoReg 24			
7 CSR 10-10.070	Missouri Highways and Transportation Commission	28 MoReg 25			
7 CSR 10-10.080	Missouri Highways and Transportation Commission	28 MoReg 26			
7 CSR 10-10.090	Missouri Highways and Transportation Commission	28 MoReg 26			

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

8 CSR 20-3.030	Labor and Industrial Relations Commission	This Issue			
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DEPARTMENT OF MENTAL HEALTH

9 CSR 10-5.200	Director, Department of Mental Health	27 MoReg 1858T			
9 CSR 10-7.020	Director, Department of Mental Health	27 MoReg 1455	28 MoReg 245		
9 CSR 10-7.110	Director, Department of Mental Health	27 MoReg 1772			
9 CSR 10-7.130	Director, Department of Mental Health	27 MoReg 1951			
9 CSR 25-2.105	Fiscal Management	27 MoReg 1951			
9 CSR 30-3.100	Certification Standards	27 MoReg 1455	28 MoReg 245W		
9 CSR 30-3.110	Certification Standards	27 MoReg 1952			
9 CSR 30-3.130	Certification Standards	27 MoReg 1457	28 MoReg 245		
9 CSR 30-3.192	Certification Standards	27 MoReg 1457	28 MoReg 245		
9 CSR 30-4.010	Certification Standards	27 MoReg 1457	28 MoReg 245		
9 CSR 30-4.030	Certification Standards	27 MoReg 1458	28 MoReg 246		
9 CSR 30-4.034	Certification Standards	27 MoReg 1459	28 MoReg 247		
9 CSR 30-4.035	Certification Standards	27 MoReg 1459	28 MoReg 248W		
9 CSR 30-4.039	Certification Standards	27 MoReg 1460	28 MoReg 248W		
9 CSR 30-4.041	Certification Standards	27 MoReg 1460	28 MoReg 248		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
9 CSR 30-4.042	Certification Standards		27 MoReg 1461	28 MoReg 248	
9 CSR 30-4.043	Certification Standards		27 MoReg 1462	28 MoReg 250W	
9 CSR 30-4.195	Certification Standards		27 MoReg 1772		

DEPARTMENT OF NATURAL RESOURCES

10 CSR 10-2.340	Air Conservation Commission	This Issue
10 CSR 10-5.170	Air Conservation Commission	27 MoReg 1462
10 CSR 10-6.060	Air Conservation Commission	27 MoReg 1704
10 CSR 10-6.065	Air Conservation Commission	27 MoReg 1462
10 CSR 10-6.100	Air Conservation Commission	27 MoReg 2274
10 CSR 10-6.120	Air Conservation Commission	27 MoReg 1707
10 CSR 10-6.320	Air Conservation Commission	27 MoReg 1108 28 MoReg 250
10 CSR 10-6.350	Air Conservation Commission	28 MoReg 141
10 CSR 10-6.410	Air Conservation Commission	27 MoReg 1708
10 CSR 23-5.050	Division of Geology and Land Survey	28 MoReg 150
10 CSR 70-8.010	Soil and Water Districts Commission	27 MoReg 2276
10 CSR 70-8.020	Soil and Water Districts Commission	27 MoReg 2277
10 CSR 70-8.030	Soil and Water Districts Commission	27 MoReg 2278
10 CSR 70-8.040	Soil and Water Districts Commission	27 MoReg 2279
10 CSR 70-8.050	Soil and Water Districts Commission	27 MoReg 2279
10 CSR 70-8.060	Soil and Water Districts Commission	27 MoReg 2280
10 CSR 70-8.070	Soil and Water Districts Commission	27 MoReg 2281
10 CSR 70-8.080	Soil and Water Districts Commission	27 MoReg 2282
10 CSR 70-8.090	Soil and Water Districts Commission	27 MoReg 2282
10 CSR 70-8.100	Soil and Water Districts Commission	27 MoReg 2283
10 CSR 70-8.110	Soil and Water Districts Commission	27 MoReg 2283
10 CSR 70-8.120	Soil and Water Districts Commission	27 MoReg 2284

DEPARTMENT OF PUBLIC SAFETY

11 CSR 10-6.010	Adjutant General	27 MoReg 2285
11 CSR 40-2.010	Division of Fire Safety	27 MoReg 1952R 27 MoReg 1953
11 CSR 40-2.015	Division of Fire Safety	27 MoReg 1954
11 CSR 40-2.020	Division of Fire Safety	27 MoReg 1954R
11 CSR 40-2.021	Division of Fire Safety	27 MoReg 1955
11 CSR 40-2.022	Division of Fire Safety	27 MoReg 1955
11 CSR 40-2.030	Division of Fire Safety	27 MoReg 1958R 27 MoReg 1958
11 CSR 40-2.040	Division of Fire Safety	27 MoReg 1960R 27 MoReg 1960
11 CSR 40-2.050	Division of Fire Safety	27 MoReg 1961R 27 MoReg 1962
11 CSR 40-2.060	Division of Fire Safety	27 MoReg 1962R
11 CSR 40-2.061	Division of Fire Safety	27 MoReg 1963
11 CSR 40-2.062	Division of Fire Safety	27 MoReg 1963
11 CSR 40-2.064	Division of Fire Safety	27 MoReg 1963
11 CSR 40-2.065	Division of Fire Safety	27 MoReg 1964
11 CSR 40-5.020	Division of Fire Safety	28 MoReg 27
11 CSR 40-5.050	Division of Fire Safety	28 MoReg 27
11 CSR 40-5.065	Division of Fire Safety	28 MoReg 27
11 CSR 40-5.070	Division of Fire Safety	28 MoReg 32
11 CSR 40-5.080	Division of Fire Safety	28 MoReg 33
11 CSR 40-5.110	Division of Fire Safety	27 MoReg 1869
11 CSR 40-5.120	Division of Fire Safety	28 MoReg 33
11 CSR 45-4.060	Missouri Gaming Commission	27 MoReg 1471 28 MoReg 251
11 CSR 45-4.260	Missouri Gaming Commission	28 MoReg 34
11 CSR 45-5.200	Missouri Gaming Commission	27 MoReg 1785 28 MoReg 251
11 CSR 50-2.500	Missouri State Highway Patrol	27 MoReg 2200
11 CSR 50-2.510	Missouri State Highway Patrol	27 MoReg 2200
11 CSR 50-2.520	Missouri State Highway Patrol	27 MoReg 2201
11 CSR 75-13.020	Peace Officer Standards and Training Program	27 MoReg 2202
11 CSR 75-14.050	Peace Officer Standards and Training Program	27 MoReg 2288
11 CSR 75-14.080	Peace Officer Standards and Training Program	27 MoReg 2202
11 CSR 75-15.030	Peace Officer Standards and Training Program	27 MoReg 2203

DEPARTMENT OF REVENUE

12 CSR 10-2.045	Director of Revenue	27 MoReg 2203
12 CSR 10-3.010	Director of Revenue	27 MoReg 2288R
12 CSR 10-3.038	Director of Revenue	27 MoReg 2288R
12 CSR 10-3.048	Director of Revenue	27 MoReg 2289R
12 CSR 10-3.088	Director of Revenue	27 MoReg 2289R
12 CSR 10-3.124	Director of Revenue	27 MoReg 2063R

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-3.148	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.150	Director of Revenue		27 MoReg 2289R		
12 CSR 10-3.222	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.226	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.230	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.232	Director of Revenue		27 MoReg 2290R		
12 CSR 10-3.370	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.304	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.348	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.356	Director of Revenue		27 MoReg 2291R		
12 CSR 10-3.358	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.372	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.422	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.500	Director of Revenue		27 MoReg 2292R		
12 CSR 10-3.514	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.532	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.538	Director of Revenue		27 MoReg 2293R		
12 CSR 10-3.860	Director of Revenue		27 MoReg 2293R		
12 CSR 10-23.454	Director of Revenue		27 MoReg 1785	28 MoReg 169	
12 CSR 10-24.020	Director of Revenue		27 MoReg 1785	28 MoReg 169	
12 CSR 10-24.120	Director of Revenue		27 MoReg 2294		
12 CSR 10-24.190	Director of Revenue		27 MoReg 2294		
12 CSR 10-24.305	Director of Revenue		27 MoReg 2295		
12 CSR 10-24.395	Director of Revenue		27 MoReg 2295		
12 CSR 10-24.448	Director of Revenue	28 MoReg 5	28 MoReg 34		
12 CSR 10-24.472	Director of Revenue		27 MoReg 2295		
12 CSR 10-26.010	Director of Revenue		27 MoReg 1786	28 MoReg 169	
12 CSR 10-26.020	Director of Revenue		27 MoReg 1786	28 MoReg 169	
12 CSR 10-26.060	Director of Revenue		27 MoReg 1964	This Issue	
12 CSR 10-26.090	Director of Revenue		27 MoReg 1787	28 MoReg 170	
12 CSR 10-26.100	Director of Revenue		28 MoReg 150R		
12 CSR 10-41.010	Director of Revenue	27 MoReg 2125	27 MoReg 2209		
12 CSR 10-110.600	Director of Revenue		27 MoReg 2064		
12 CSR 10-110-900	Director of Revenue		27 MoReg 2296		
12 CSR 10-110.950	Director of Revenue		27 MoReg 2064		
12 CSR 10-111.010	Director of Revenue		27 MoReg 2065		
12 CSR 10-111.060	Director of Revenue		27 MoReg 2068		
12 CSR 40-50.010	State Tax Commission		27 MoReg 1787	28 MoReg 252	
12 CSR 40-80.080	State Tax Commission		27 MoReg 1787	28 MoReg 252	

DEPARTMENT OF SOCIAL SERVICES

13 CSR 40-19.020	Division of Family Services	27 MoReg 1858	27 MoReg 1872	This Issue
13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299	
13 CSR 40-31.025	Division of Family Services		28 MoReg 34	
13 CSR 70-3.020	Division of Medical Services		27 MoReg 1472	28 MoReg 170
13 CSR 70-3.065	Division of Medical Services	This Issue	This Issue	
13 CSR 70-10.015	Division of Medical Services		27 MoReg 1473	27 MoReg 2306
		28 MoReg 103	28 MoReg 150	
13 CSR 70-10.150	Division of Medical Services	27 MoReg 2051	27 MoReg 2069	27 MoReg 1125
13 CSR 70-15.170	Division of Medical Services	27 MoReg 1170		
13 CSR 70-20.320	Division of Medical Services	27 MoReg 1173	27 MoReg 1320	28 MoReg 53
13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174	27 MoReg 1324	
		28 MoReg 5T		
13 CSR 70-40.010	Division of Medical Services	27 MoReg 1176	27 MoReg 1326	28 MoReg 170
13 CSR 70-60.010	Division of Medical Services	This Issue	27 MoReg 2209	
13 CSR 70-65.010	Division of Medical Services	This Issue	27 MoReg 2213	
13 CSR 70-70.010	Division of Medical Services	This Issue	27 MoReg 2215	

ELECTED OFFICIALS

15 CSR 30-3.010	Secretary of State	27 MoReg 1933	27 MoReg 2072	
15 CSR 30-8.010	Secretary of State	27 MoReg 1934T	27 MoReg 2074	
		27 MoReg 1934		
15 CSR 30-8.020	Secretary of State	27 MoReg 1935	27 MoReg 2076	
15 CSR 30-9.040	Secretary of State	27 MoReg 1936	27 MoReg 2078	
15 CSR 30-50.030	Secretary of State		28 MoReg 34	
15 CSR 30-51.160	Secretary of State		27 MoReg 1788	28 MoReg 171
15 CSR 30-52.010	Secretary of State		27 MoReg 1788R	28 MoReg 171R
		27 MoReg 1788	28 MoReg 171	
15 CSR 30-52.015	Secretary of State		27 MoReg 1789	28 MoReg 171
15 CSR 30-52.020	Secretary of State		27 MoReg 1789R	28 MoReg 172R
		27 MoReg 1790	28 MoReg 172	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-52.025	Secretary of State		27 MoReg 1790	28 MoReg 172	
15 CSR 30-52.030	Secretary of State		27 MoReg 1791R	28 MoReg 172R	
15 CSR 30-52.040	Secretary of State		27 MoReg 1791	28 MoReg 173	
15 CSR 30-52.050	Secretary of State		27 MoReg 1792R	28 MoReg 173R	
15 CSR 30-52.060	Secretary of State		27 MoReg 1792R	28 MoReg 173R	
15 CSR 30-52.070	Secretary of State		27 MoReg 1792R	28 MoReg 173R	
15 CSR 30-52.080	Secretary of State		27 MoReg 1793R	28 MoReg 173R	
15 CSR 30-52.100	Secretary of State		27 MoReg 1793R	28 MoReg 174R	
			27 MoReg 1793	28 MoReg 174	
15 CSR 30-52.110	Secretary of State		27 MoReg 1794R	28 MoReg 174R	
15 CSR 30-52.120	Secretary of State		27 MoReg 1794R	28 MoReg 174R	
15 CSR 30-52.130	Secretary of State		27 MoReg 1794	28 MoReg 174	
15 CSR 30-52.140	Secretary of State		27 MoReg 1795R	28 MoReg 174R	
15 CSR 30-52.150	Secretary of State		27 MoReg 1795R	28 MoReg 175R	
15 CSR 30-52.160	Secretary of State		27 MoReg 1796R	28 MoReg 175R	
15 CSR 30-52.180	Secretary of State		27 MoReg 1796R	28 MoReg 175R	
15 CSR 30-52.190	Secretary of State		27 MoReg 1796R	28 MoReg 175R	
15 CSR 30-52.200	Secretary of State		27 MoReg 1797R	28 MoReg 175R	
			27 MoReg 1797	28 MoReg 176	
15 CSR 30-52.210	Secretary of State		27 MoReg 1797R	28 MoReg 176R	
15 CSR 30-52.230	Secretary of State		27 MoReg 1797R	28 MoReg 176R	
15 CSR 30-52.250	Secretary of State		27 MoReg 1798R	28 MoReg 176R	
15 CSR 30-52.260	Secretary of State		27 MoReg 1798R	28 MoReg 176R	
			27 MoReg 1798	28 MoReg 176	
15 CSR 30-52.271	Secretary of State		27 MoReg 1799R	28 MoReg 177R	
15 CSR 30-52.272	Secretary of State		27 MoReg 1799R	28 MoReg 177R	
15 CSR 30-52.273	Secretary of State		27 MoReg 1799R	28 MoReg 177R	
15 CSR 30-52.275	Secretary of State		27 MoReg 1800R	28 MoReg 177R	
			27 MoReg 1800	28 MoReg 177	
15 CSR 30-52.280	Secretary of State		27 MoReg 1800R	28 MoReg 178R	
			27 MoReg 1801	28 MoReg 178	
15 CSR 30-52.290	Secretary of State		27 MoReg 1801R	28 MoReg 178R	
15 CSR 30-52.300	Secretary of State		27 MoReg 1801R	28 MoReg 178R	
15 CSR 30-52.301	Secretary of State		27 MoReg 1801	28 MoReg 178	
			27 MoReg 1802R	28 MoReg 178R	
			27 MoReg 1802	28 MoReg 178	
		This Issue			
15 CSR 30-52.320	Secretary of State		27 MoReg 1803R	28 MoReg 179R	
			27 MoReg 1803	28 MoReg 179	
15 CSR 30-52.330	Secretary of State		27 MoReg 1803R	28 MoReg 179R	
			27 MoReg 1804	28 MoReg 179	
15 CSR 30-52.340	Secretary of State		27 MoReg 1804	28 MoReg 179	
15 CSR 30-52.350	Secretary of State		27 MoReg 1804R	28 MoReg 180R	
15 CSR 30-90.010	Secretary of State		27 MoReg 1965	This Issue	
15 CSR 30-90.020	Secretary of State		27 MoReg 1965	This Issue	
15 CSR 30-90.030	Secretary of State		27 MoReg 1966	This Issue	
15 CSR 30-90.040	Secretary of State		27 MoReg 1966	This Issue	
15 CSR 30-90.050	Secretary of State		27 MoReg 1966	This Issue	
15 CSR 30-90.060	Secretary of State		27 MoReg 1967	This Issue	
15 CSR 30-90.070	Secretary of State		27 MoReg 1967	This Issue	
15 CSR 30-90.075	Secretary of State		27 MoReg 1967	This Issue	
15 CSR 30-90.076	Secretary of State		27 MoReg 1968	This Issue	
15 CSR 30-90.080	Secretary of State		27 MoReg 1968	This Issue	
15 CSR 30-90.090	Secretary of State	This Issue	27 MoReg 1968	This Issue	
15 CSR 30-90.100	Secretary of State		27 MoReg 1969	This Issue	
15 CSR 30-90.105	Secretary of State		27 MoReg 1969	This Issue	
15 CSR 30-90.110	Secretary of State		27 MoReg 1970	This Issue	
15 CSR 30-90.120	Secretary of State		27 MoReg 1970	This Issue	
15 CSR 30-90.130	Secretary of State		27 MoReg 1971	This Issue	
15 CSR 30-90.140	Secretary of State		27 MoReg 1971	This Issue	
15 CSR 30-90.150	Secretary of State		27 MoReg 1971	This Issue	
15 CSR 30-90.160	Secretary of State		27 MoReg 1972	This Issue	
15 CSR 30-90.170	Secretary of State		27 MoReg 1972	This Issue	
15 CSR 30-90.180	Secretary of State		27 MoReg 1972	This Issue	
15 CSR 30-90.190	Secretary of State		27 MoReg 1973	This Issue	
15 CSR 30-90.200	Secretary of State		27 MoReg 1973	This Issue	
15 CSR 30-90.201	Secretary of State		27 MoReg 1973	This Issue	
15 CSR 30-90.202	Secretary of State		27 MoReg 1973	This Issue	
15 CSR 30-90.203	Secretary of State		27 MoReg 1974	This Issue	
15 CSR 30-90.204	Secretary of State		27 MoReg 1974	This Issue	
15 CSR 30-90.210	Secretary of State		27 MoReg 1974	This Issue	
15 CSR 30-90.220	Secretary of State		27 MoReg 1975	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-90.230	Secretary of State		27 MoReg 1975	This Issue	
15 CSR 30-90.240	Secretary of State		27 MoReg 1976	This Issue	
15 CSR 30-200.030	Secretary of State	27 MoReg 2215	27 MoReg 2217		
15 CSR 60-11.010	Attorney General		This Issue		
15 CSR 60-11.020	Attorney General		This Issue		
15 CSR 60-11.030	Attorney General		This Issue		
15 CSR 60-11.040	Attorney General		This Issue		
15 CSR 60-11.050	Attorney General		This Issue		
15 CSR 60-11.060	Attorney General		This Issue		
15 CSR 60-11.070	Attorney General		This Issue		
15 CSR 60-11.080	Attorney General		This Issue		
15 CSR 60-11.090	Attorney General		This Issue		
15 CSR 60-11.100	Attorney General		This Issue		
15 CSR 60-11.110	Attorney General		This Issue		
15 CSR 60-11.120	Attorney General		This Issue		
15 CSR 60-11.130	Attorney General		This Issue		
15 CSR 60-11.140	Attorney General		This Issue		
15 CSR 60-11.150	Attorney General		This Issue		
15 CSR 60-11.160	Attorney General		This Issue		

RETIREMENT SYSTEMS

16 CSR 10-5.080	The Public School Retirement System of Missouri	27 MoReg 1280	28 MoReg 54
16 CSR 10-6.065	The Public School Retirement System of Missouri	27 MoReg 1281	28 MoReg 54
16 CSR 40-3.130	Highway and Transportation Employees and Highway Patrol Retirement System	27 MoReg 2219	
16 CSR 50-2.020	The County Employees' Retirement Fund	28 MoReg 155	
16 CSR 50-2.040	The County Employees' Retirement Fund	28 MoReg 155	
16 CSR 50-2.080	The County Employees' Retirement Fund	28 MoReg 156	
16 CSR 50-2.090	The County Employees' Retirement Fund	28 MoReg 156	
16 CSR 50-3.010	The County Employees' Retirement Fund	28 MoReg 157	
16 CSR 50-10.030	The County Employees' Retirement Fund	27 MoReg 2219	

DEPARTMENT OF HEALTH AND SENIOR SERVICES

19 CSR 10-4.020	Office of the Director	28 MoReg 5	28 MoReg 35
19 CSR 10-5.010	Office of the Director		27 MoReg 1976
19 CSR 10-10.050	Office of the Director		27 MoReg 1988 This Issue
19 CSR 20-20.020	Office of the Director	28 MoReg 7	28 MoReg 36
19 CSR 20-28.010	Division of Environmental Health and Communicable Disease Prevention		27 MoReg 1874 28 MoReg 180
19 CSR 60-50	Missouri Health Facilities Review		27 MoReg 2020 27 MoReg 2224 28 MoReg 55
19 CSR 60-50.300	Missouri Health Facilities Review	28 MoReg 106R 28 MoReg 106	28 MoReg 157R 28 MoReg 157
19 CSR 60-50.400	Missouri Health Facilities Review	28 MoReg 108R 28 MoReg 109	28 MoReg 159R 28 MoReg 159
19 CSR 60-50.410	Missouri Health Facilities Review	28 MoReg 110R 28 MoReg 110	28 MoReg 160R 28 MoReg 160
19 CSR 60-50.420	Missouri Health Facilities Review	28 MoReg 111R 28 MoReg 112	28 MoReg 161R 28 MoReg 161
19 CSR 60-50.430	Missouri Health Facilities Review	28 MoReg 113R 28 MoReg 113	28 MoReg 162R 28 MoReg 163
19 CSR 60-50.450	Missouri Health Facilities Review	28 MoReg 115R 28 MoReg 116	28 MoReg 164R 28 MoReg 164
19 CSR 60-50.700	Missouri Health Facilities Review	28 MoReg 117R 28 MoReg 117	28 MoReg 166R 28 MoReg 166

DEPARTMENT OF INSURANCE

20 CSR	Medical Malpractice		25 MoReg 597 26 MoReg 599 27 MoReg 415
20 CSR	Sovereign Immunity Limits		26 MoReg 75 27 MoReg 41 27 MoReg 2319
20 CSR 100-1.060	Division of Consumer Affairs	27 MoReg 2300	
20 CSR 100-6.110	Division of Consumer Affairs	27 MoReg 1988	
20 CSR 200-2.700	Financial Examination	27 MoReg 1329	28 MoReg 180
20 CSR 200-6.100	Financial Examination	27 MoReg 1330	28 MoReg 181
20 CSR 200-8.100	Financial Examination	27 MoReg 1334	28 MoReg 183
20 CSR 300-2.200	Market Conduct Examinations	27 MoReg 1341	28 MoReg 183
20 CSR 400-3.650	Life, Annuities and Health	27 MoReg 1362	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 400-5.400	Life, Annuities and Health		27 MoReg 1372	28 MoReg 185	
20 CSR 400-7.095	Life, Annuities and Health		27 MoReg 1989R		
			27 MoReg 1989		
20 CSR 500-1.210	Property and Casualty		27 MoReg 2219		
20 CSR 500-6.960	Property and Casualty	27 MoReg 848R	27 MoReg 905R		
			27 MoReg 2220R		
20 CSR 500-10.100	Property and Casualty		27 MoReg 2220		
20 CSR 600-1.020	Statistical Reporting		27 MoReg 1996	This Issue	
20 CSR 600-2.110	Statistical Reporting		27 MoReg 1389	28 MoReg 185	
20 CSR 700-1.010	Licensing		27 MoReg 1390	28 MoReg 185	
20 CSR 700-1.025	Licensing		27 MoReg 1393	28 MoReg 186	
20 CSR 700-1.100	Licensing		27 MoReg 1395	28 MoReg 186	
20 CSR 700-1.110	Licensing		27 MoReg 1398	28 MoReg 188	
20 CSR 700-1.130	Licensing		27 MoReg 1399	28 MoReg 188	
20 CSR 700-1.140	Licensing		27 MoReg 1400	28 MoReg 188	
20 CSR 700-1.150	Licensing		27 MoReg 1404	28 MoReg 188	

MISSOURI CONSOLIDATED HEALTH CARE PLAN

22 CSR 10-2.010	Health Care Plan	28 MoReg 118	28 MoReg 226	
22 CSR 10-2.020	Health Care Plan	28 MoReg 120	28 MoReg 229	
22 CSR 10-2.040	Health Care Plan	28 MoReg 121R	28 MoReg 230R	
22 CSR 10-2.045	Health Care Plan	28 MoReg 122	28 MoReg 230	
22 CSR 10-2.050	Health Care Plan	28 MoReg 123R	28 MoReg 231R	
22 CSR 10-2.055	Health Care Plan	28 MoReg 123	28 MoReg 232	
22 CSR 10-2.060	Health Care Plan	28 MoReg 125R	28 MoReg 233R	
22 CSR 10-2.063	Health Care Plan	28 MoReg 125R	28 MoReg 233R	
22 CSR 10-2.064	Health Care Plan	28 MoReg 125R	28 MoReg 234R	
22 CSR 10-2.067	Health Care Plan	28 MoReg 125R	28 MoReg 234R	
22 CSR 10-2.075	Health Care Plan	28 MoReg 126	28 MoReg 234	
22 CSR 10-2.080	Health Care Plan	28 MoReg 126	28 MoReg 235	

Emergency Rules in Effect as of February 18, 2003**Expires****Office of Administration****Commissioner of Administration**

1 CSR 10-11.010 State of Missouri Travel Regulations February 27, 2003

Administrative Hearing Commission

1 CSR 15-3.200 Subject Matter May 30, 2003

Personnel Advisory Board and Division of Personnel

1 CSR 20-2.015 Broad Classification Bands for Managers July 10, 2003

Department of Agriculture**Weights and Measures**

2 CSR 90-20.040 *NIST Handbook 130, "Uniform Regulations for the Method of Sale of Commodities"* March 9, 2003

2 CSR 90-30.040 Quality Standards for Motor Fuels March 9, 2003

Office of the Director

2 CSR 110-1.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Bonding, and Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Fuel Ethanol Producer Incentive Program February 23, 2003

Department of Economic Development**Public Service Commission**

4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee August 1, 2003

4 CSR 240-123.030 Seals August 1, 2003

Division of Motor Carrier and Railroad Safety

4 CSR 265-2.070 Complaints May 30, 2003

4 CSR 265-2.080 Pleadings May 30, 2003

4 CSR 265-2.085 Dismissal of Cases May 30, 2003

4 CSR 265-2.090 Discovery and Prehearings May 30, 2003

4 CSR 265-2.100 Subpoenas and Formal Investigations May 30, 2003

4 CSR 265-2.110 Hearings May 30, 2003

4 CSR 265-2.115 Continuances May 30, 2003

4 CSR 265-2.116 Interventions May 30, 2003

4 CSR 265-2.120 Evidence May 30, 2003

4 CSR 265-2.130 Briefs and Oral Argument May 30, 2003

4 CSR 265-2.140 Decisions of the Division May 30, 2003

4 CSR 265-2.150 Rehearings May 30, 2003

4 CSR 265-4.010 Gratuities and Private Employment May 30, 2003

4 CSR 265-4.020 Conduct During Proceedings May 30, 2003

Department of Public Safety**Adjutant General**

11 CSR 10-5.010 Missouri World War II Veterans' Recognition Program February 27, 2003

Department of Revenue**Director of Revenue**

12 CSR 10-24.448 Proof of Identity and Proof of Social Security Number
Required for Issuance of a Driver or Nondriver License June 23, 2003

12 CSR 10-41.010 Annual Adjusted Rate of Interest June 29, 2003

Department of Social Services**Division of Family Services**

13 CSR 40-19.020 Low Income Home Energy Assistance Program March 31, 2003

13 CSR 40-30.020 Attorney Fees in Termination of Parental Rights Cases June 11, 2003

Division of Medical Services

13 CSR 70-3.065 Medicaid Program Payment of Claims for Medicare Part B Services August 27, 2003

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services July 15, 2003

13 CSR 70-10.150 Enhancement Pools May 6, 2003

13 CSR 70-15.040 Inpatient Hospital and Outpatient Hospital Settlements February 27, 2003

13 CSR 70-15.160 Prospective Outpatient Hospital Services Reimbursement Methodology February 27, 2003

13 CSR 70-15.170	Enhanced Disproportionate Share Payment to Trauma Hospitals for the Cost of Care to the Uninsured Provided by Physicians Not Employed by the Hospital	February 27, 2003
13 CSR 70-40.010	Optical Care Benefits and Limitations—Medicaid Program	February 27, 2003
13 CSR 70-60.010	Durable Medical Equipment Program	August 27, 2003
13 CSR 70-65.010	Rehabilitation Center Program	August 27, 2003
13 CSR 70-70.010	Therapy Program	August 27, 2003

Elected Officials

Secretary of State

15 CSR 30-3.010	Voter Identification Affidavit	April 18, 2003
15 CSR 30-8.010	Provisional Ballots and Envelopes	April 18, 2003
15 CSR 30-8.020	Procedures to Determine Eligibility for Provisional Ballots to Be Counted	April 28, 2003
15 CSR 30-9.040	Write-In Stickers	April 18, 2003
15 CSR 30-200.030	Public Access Computers in Public Libraries	April 29, 2003

Department of Health and Senior Services

Office of the Director

19 CSR 10-4.020	J-1 Visa Waiver Program	June 23, 2003
------------------------	-----------------------------------	---------------

Division of Environmental Health and Communicable Disease Prevention

19 CSR 20-20.020	Reporting Communicable, Environmental and Occupational Diseases	June 23, 2003
-------------------------	---	---------------

Missouri Health Facilities Review Committee

19 CSR 60-50.300	Definitions for the Certificate of Need Process	June 29, 2003
19 CSR 60-50.300	Definitions for the Certificate of Need Process	June 29, 2003
19 CSR 60-50.400	Letter of Intent Process	June 29, 2003
19 CSR 60-50.400	Letter of Intent Process	June 29, 2003
19 CSR 60-50.410	Letter of Intent Package	June 29, 2003
19 CSR 60-50.410	Letter of Intent Package	June 29, 2003
19 CSR 60-50.420	Application Process	June 29, 2003
19 CSR 60-50.420	Application Process	June 29, 2003
19 CSR 60-50.430	Application Package	June 29, 2003
19 CSR 60-50.430	Application Package	June 29, 2003
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	June 29, 2003
19 CSR 60-50.450	Criteria and Standards for Long-Term Care	June 29, 2003
19 CSR 60-50.700	Post-Decision Activity	June 29, 2003
19 CSR 60-50.700	Post-Decision Activity	June 29, 2003

Department of Insurance

Property and Casualty

20 CSR 500-6.960	Plan of Operation for the Workers' Compensation Residual Market	February 18, 2003
-------------------------	---	-------------------

Missouri Consolidated Health Care Plan

Health Care Plan

22 CSR 10-2.010	Definitions	June 29, 2003
22 CSR 10-2.020	Membership Agreement and Participation Period	June 29, 2003
22 CSR 10-2.040	PPO Plan Summary of Medical Benefits	June 29, 2003
22 CSR 10-2.045	Co-pay and PPO Plan Summaries	June 29, 2003
22 CSR 10-2.050	PPO Plan Benefit Provisions and Covered Charges	June 29, 2003
22 CSR 10-2.055	Co-pay and PPO Plan Benefit Provisions and Covered Charges	June 29, 2003
22 CSR 10-2.060	PPO and Co-pay Plan Limitations	June 29, 2003
22 CSR 10-2.063	HMO/POS Premium Option Summary of Medical Benefits	June 29, 2003
22 CSR 10-2.064	HMO/POS Standard Option Summary of Medical Benefits	June 29, 2003
22 CSR 10-2.067	HMO and POS Limitations	June 29, 2003
22 CSR 10-2.075	Review and Appeals Procedure	June 29, 2003
22 CSR 10-2.080	Miscellaneous Provisions	June 29, 2003

**Executive
Orders**

	Subject Matter	Filed Date	Publication Date
03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	This Issue
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	This Issue
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	This Issue
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	This Issue
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	This Issue
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	This Issue

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, STATE BOARD OF

provisional license to practice; 4 CSR 10-2.022; 12/16/02

ADJUTANT GENERAL

National Guard armory rentals; 11 CSR 10-6.010; 12/16/02
WWII recognition awards; 11 CSR 10-5.010; 8/1/02, 12/16/02

ADMINISTRATIVE HEARING COMMISSION

answers, other responsive pleadings; 1 CSR 15-2.380,
1 CSR 15-3.380; 7/1/02, 10/15/02
bench rulings; 1 CSR 15-2.530; 7/1/02, 10/15/02
closing of case records, hearings; 1 CSR 15-2.410, 1 CSR 15-
3.410; 7/1/02, 10/15/02
complaints; 1 CSR 15-2.350, 1 CSR 15-3.350; 7/1/02, 10/15/02
computation of time; 1 CSR 15-2.230; 7/1/02, 10/15/02
definitions; 1 CSR 15-2.210, 1 CSR 15-3.210; 7/1/02, 10/15/02
determination of cases without hearing; 1 CSR 15-2.450,
1 CSR 15-3.450; 7/1/02, 10/15/02
discovery; 1 CSR 15-2.420, 1 CSR 15-3.420; 7/1/02, 10/15/02
dismissal; 1 CSR 15-2.430, 1 CSR 15-3.430; 7/1/02, 10/15/02
disposing of a case without a hearing; 1 CSR 15-3.440; 7/1/02,
10/15/02
fees, expenses; 1 CSR 15-2.560; 7/1/02, 10/15/02
filing of documents; 1 CSR 15-2.290; 7/1/02, 10/15/02
hearings
 complaints; 1 CSR 15-2.490, 1 CSR 15-3.490; 7/1/02,
 10/15/02
 motions; 1 CSR 15-2.480; 7/1/02, 10/15/02
intervention; 1 CSR 15-2.390, 1 CSR 15-3.390; 7/1/02, 10/15/02
practice by attorney; 1 CSR 15-2.250, 1 CSR 15-3.250; 7/1/02,
10/15/02
preheating conference; 1 CSR 15-2.470; 7/1/02, 10/15/02
 with mediation; 1 CSR 15-3.470; 7/1/02, 10/15/02
records, certification; 1 CSR 15-2.580, 1 CSR 15-3.580; 7/1/02
 10/15/02
sanctions; 1 CSR 15-3.425; 7/1/02, 10/15/02
service of filings; 1 CSR 15-2.270; 7/1/02, 10/15/02
stays or suspension; 1 CSR 15-2.320, 1 CSR 15-3.320; 7/1/02,
10/15/02
subject matter; 1 CSR 15-2.200; 7/1/02, 10/15/02
 1 CSR 15-3.200; 7/1/02, 10/15/02, 12/16/02
transcripts; 1 CSR 15-2.510; 7/1/02, 10/15/02

AIR QUALITY, POLLUTION

construction permits; 10 CSR 10-6.060; 9/16/02
emissions
 alternate limits; 10 CSR 10-6.100; 12/16/02
 banking, trading; 10 CSR 10-6.410; 9/16/02
 episodes of high air pollution potential; 10 CSR 10-6.130;
 4/15/02, 10/1/02
 fuel burning equipment; 10 CSR 10-3.060, 10 CSR 10-
 4.040; 5/1/02, 10/15/02
 hazardous air pollutants; 10 CSR 10-6.080; 3/1/02, 8/15/02
 internal combustion engines; 10 CSR 10-2.080, 10 CSR 10-
 5.180; 4/1/02, 10/1/02
 lead smelter -refinery installations; 10 CSR 10-6.120; 9/16/02
 limitations, oxides of nitrogen; 10 CSR 10-6.350; 1/16/03
 lithographic installations; 10 CSR 10-2.340; 2/18/03
 motor vehicle inspection; 10 CSR 10-5.380; 6/17/02, 11/1/02
 perchloroethylene dry cleaning; 10 CSR 10-2.280,
 10 CSR 10-5.320; 7/1/02, 12/16/02
 restrictions, visible air contaminants; 10 CSR 10-6.220;
 4/1/02, 10/1/02
gasoline Reid vapor pressure; 10 CSR 10-5.443; 5/15/02, 12/2/02

maximum achievable control technology; 10 CSR 10-6.075;
3/1/02, 8/15/02

new source performance operations; 10 CSR 10-6.070; 3/1/02,
8/15/02
odors, control of; 10 CSR 10-5.170; 9/3/02
operating permits; 10 CSR 10-6.065; 9/3/02
petroleum storage, loading, transfer; 10 CSR 10-2.260; 5/1/02,
10/15/02
sales tax exemption; 10 CSR 10-6.320; 7/1/02, 2/3/03

ANIMAL HEALTH

admission; 2 CSR 30-2.010; 6/17/02, 8/15/02, 11/15/02
duties, facilities of the market/sale veterinarian; 2 CSR 30-6.020;
6/17/02, 8/15/02, 11/15/02
elk, captive, entering Missouri; 2 CSR 30-2.012; 9/3/02
exhibition; 2 CSR 30-2.040; 6/17/02, 8/15/02, 11/15/02
movement of livestock; 2 CSR 30-2.020; 6/17/02, 11/15/02
prohibiting movement of elk, deer; 2 CSR 30-2.011; 6/3/02

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

application, certificate of authority; 4 CSR 30-10.010; 12/2/02
architects
 evaluation; 4 CSR 30-4.060; 1/16/03
complaint handling, disposition; 4 CSR 30-12.010; 12/2/02
engineers
 licensure; 4 CSR 30-11.030; 1/16/03
fees; 4 CSR 30-6.015; 8/1/02, 11/15/02
 reexamination; 4 CSR 30-6.020; 8/1/02, 11/15/02
filing deadline; 4 CSR 30-4.010, 4 CSR 30-4.020; 12/2/02
landscape architect
 CLARB examinations; 4 CSR 30-5.140; 12/2/02
 evaluation, comity applications; 4 CSR 30-4.090; 12/2/02
 licensee's seal; 4 CSR 30-3.050; 12/2/02
 standards for admission to exam; 4 CSR 30-5.150; 12/2/02
records, public; 4 CSR 30-15.010; 12/2/02
renewal period; 4 CSR 30-11.010; 12/2/02
response to routine matters; 4 CSR 30-9.010; 12/2/02
seal, official; 4 CSR 30-3.010; 12/2/02
supervision, immediate personal; 4 CSR 30-13.010; 12/2/02

ASSISTIVE DEVICES

accommodations for the disabled; 15 CSR 60-11.100; 2/18/03
appointment of arbitration firm; 15 CSR 60-11.010; 2/18/03
assignment of arbitrator; 15 CSR 60-11.050; 2/18/03
cost of arbitration; 15 CSR 60-11.040; 2/18/03
decision, arbitrator's; 15 CSR 60-11.140; 2/18/03
defaults; 15 CSR 60-11.120; 2/18/03
filing for arbitration; 15 CSR 60-11.030; 2/18/03
hearing on documents only; 15 CSR 60-11.110; 2/18/03
hearing procedure; 15 CSR 60-11.090; 2/18/03
notice to consumers; 15 CSR 60-11.020; 2/18/03
record keeping; 15 CSR 60-11.150; 2/18/03
representation by counsel or third party; 15 CSR 60-11.080;
2/18/03
request for additional information; 15 CSR 60-11.070; 2/18/03
sample form; 15 CSR 60-11.160; 2/18/03
scheduling of arbitration hearings; 15 CSR 60-11.060; 2/18/03
withdrawal or settlement prior to decision; 15 CSR 60-11.130;
2/18/03

ATHLETIC TRAINERS, REGISTRATION OF

advisory commission; 4 CSR 150-6.080; 9/16/02, 1/2/03
fees; 4 CSR 150-6.050; 6/3/02, 10/1/02

BINGO

price reporting; 11 CSR 45-30.570; 7/1/02, 11/1/02
promotions; 11 CSR 45-30.025; 8/1/02

BOILER AND PRESSURE VESSEL SAFETY

administration; 11 CSR 40-2.020; 11/1/02
certificates, inspections, fees; 11 CSR 40-2.022; 11/1/02
code/standards adopted by board; 11 CSR 40-2.015; 11/1/02
definitions; 11 CSR 40-2.010; 11/1/02
existing
 heating boilers; 11 CSR 40-2.040; 11/1/02
 installation, power boilers; 11 CSR 40-2.030; 11/1/02
 pressure vessels; 11 CSR 40-2.050; 11/1/02
heating boilers; 11 CSR 40-2.040; 11/1/02
inspector qualifications/exams/responsibilities; 11 CSR 40-2.021; 11/1/02
installations, new; 11 CSR 40-2.061; 11/1/02
power boilers; 11 CSR 40-2.030; 11/1/02
pressure vessels; 11 CSR 40-2.050; 11/1/02
repairs; alterations; 11 CSR 40-2.065; 11/1/02
requirements, general; 11 CSR 40-2.060; 11/1/02
second-hand, reinstalled used boilers, water heaters, pressure vessels; 11 CSR 40-2.062; 11/1/02
state special, variances; 11 CSR 40-2.064; 11/1/02

BOLL WEEVIL ERADICATION

apiaries, registration; 2 CSR 70-13.045; 5/15/02, 10/15/02
cotton/bee protection area; 2 CSR 70-13.050; 5/15/02, 10/15/02

CERTIFICATE OF NEED PROGRAM

application
 package; 19 CSR 60-50.430; 1/16/03
 process; 19 CSR 60-50.420; 1/16/03
criteria and standards
 long-term care; 19 CSR 60-50.450; 1/16/03
 post-decision activity; 19 CSR 60-50.700; 1/16/03
definitions; 19 CSR 60-50.300; 1/16/03
letter of intent
 package; 19 CSR 60-50.410; 1/16/03
 process; 19 CSR 60-50.400; 1/16/03
review process; 19 CSR 60-50.420; 1/16/03

CHILD ABUSE

review process; 13 CSR 40-31.025; 1/2/03

CIVIL RIGHTS COMPLIANCE

requirements; 19 CSR 10-2.010; 5/15/02, 9/3/02

CLEAN WATER COMMISSION

groundwater remediation; 10 CSR 20-7.040; 2/1/02, 8/1/02

CONSERVATION COMMISSION

area closings; 3 CSR 10-11.115; 6/17/02, 9/3/02
black bass; 3 CSR 10-6.505; 9/3/02, 11/15/02
boats and motors; 3 CSR 10-11.160, 3 CSR 10-12.110; 6/17/02, 9/3/02
bullfrogs and green frogs; 3 CSR 10-11.165; 6/17/02, 9/3/02
camping; 3 CSR 10-11.140; 6/17/02, 9/3/02
commercial establishments; 3 CSR 10-10.743; 6/17/02, 9/3/02
decoys and blinds; 3 CSR 10-11.155; 6/17/02, 9/3/02
deer; 3 CSR 10-7.435; 8/15/02, 11/1/02
 hunting; 3 CSR 10-11.182; 7/15/02, 9/3/02, 10/1/02, 11/15/02
 managed hunts; 3 CSR 10-11.183; 6/17/02, 9/3/02
definitions; 3 CSR 10-20.805; 6/17/02, 9/3/02, 11/1/02, 11/16/02
dog training area; 3 CSR 10-9.628; 10/1/02, 12/16/02
endangered species; 3 CSR 10-4.111; 10/1/02, 12/16/02
falconry; 3 CSR 10-9.442; 10/1/02

field trials; 3 CSR 10-11.125; 6/17/02, 9/3/02

fishing
 daily and possession limits; 3 CSR 10-12.140; 6/17/02, 9/3/02, 11/15/02

hours and methods; 3 CSR 10-11.205; 6/17/02, 9/3/02
length limits; 3 CSR 10-12.145; 6/17/02, 9/3/02, 11/15/02

 3 CSR 10-11.215; 6/17/02, 9/3/02
limits; 3 CSR 10-11.210; 6/17/02, 9/3/02

methods; 3 CSR 10-6.410; 6/17/02, 9/3/02;
 3 CSR 10-12.135; 6/17/02, 9/3/02, 11/15/02

furbearers; 3 CSR 10-8.515; 6/17/02, 9/3/02

hound running area; 3 CSR 10-9.575; 6/17/02, 9/3/02

hunting and trapping; 3 CSR 10-12.125; 6/17/02, 9/3/02

hunting methods; 3 CSR 10-7.410; 6/17/02, 9/3/02

hunting preserve
 privileges; 3 CSR 10-9.565; 9/3/02, 2/3/03

 records required; 3 CSR 10-9.566; 10/1/02, 12/16/02

hunting seasons; 3 CSR 10-11.180; 9/3/02, 11/15/02

live bait; 3 CSR 10-6.605; 6/17/02, 9/3/02

migratory game birds; 3 CSR 10-7.440; 8/15/02, 10/1/02

organization; 3 CSR 10-1.010; 1/2/03

other fish; 3 CSR 10-6.550; 6/17/02, 9/3/02

owner may protect property; 3 CSR 10-4.130; 6/17/02, 9/3/02

paddlefish; 3 CSR 10-6.525; 8/15/02, 11/1/02

permits and privileges; 3 CSR 10-5.215; 6/17/02, 9/3/02

 confined wildlife; 3 CSR 10-9.630; 6/17/02, 9/3/02

 deer hunting; 3 CSR 10-5.350; 6/17/02, 9/3/02

 first bonus; 3 CSR 10-5.352; 6/17/02, 9/3/02

 second bonus; 3 CSR 10-5.353; 6/17/02, 9/3/02

 dog training area; 3 CSR 10-9.627; 10/1/02, 12/16/02

 exemptions; 3 CSR 10-5.205; 6/17/02, 9/3/02

 field trials; 3 CSR 10-9.625; 6/17/02, 9/3/02

 fishing, daily; 3 CSR 10-5.440; 7/15/02, 11/1/02

 hound running area operators; 3 CSR 10-9.570; 6/17/02, 9/3/02

 hunting preserve; 3 CSR 10-5.460, 3 CSR 10-9.560;

 6/17/02, 9/3/02

 3-day license; 3 CSR 10-5.465; 6/17/02, 9/3/02

 issuing agents; 3 CSR 10-5.225; 6/17/02, 9/3/02

nonresident firearms deer; 3 CSR 10-5.550; 6/17/02, 9/3/02

 any-deer hunting; 3 CSR 10-5.551; 6/17/02, 9/3/02

 first bonus; 3 CSR 10-5.552; 6/17/02, 9/3/02

 landowner; 3 CSR 10-5.575; 6/17/02, 9/3/02

 any-deer; 3 CSR 10-5.576; 6/17/02, 9/3/02

 first bonus; 3 CSR 10-5.577; 6/17/02, 9/3/02

 second bonus; 3 CSR 10-5.578; 6/17/02, 9/3/02

 managed deer hunt; 3 CSR 10-5.559; 6/17/02, 9/3/02

 second bonus; 3 CSR 10-5.553; 6/17/02, 9/3/02

resident

 any-deer hunting; 3 CSR 10-5.351; 7/15/02, 11/1/02

 archer's deer hunting; 3 CSR 10-5.360; 7/15/02, 11/1/02

 fishing; 3 CSR 10-5.340; 7/15/02, 11/1/02

 managed deer hunting; 3 CSR 10-5.359; 7/15/02, 11/1/02

 small game hunting; 3 CSR 10-5.345; 7/15/02, 11/1/02

 daily; 3 CSR 10-5.445; 7/15/02, 11/1/02

 turkey hunting; 3 CSR 10-5.365; 7/15/02, 11/1/02

 trout fishing area; 3 CSR 10-9.645; 6/17/02, 9/3/02

 turkey archers

 antlerless-only; 3 CSR 10-5.425; 6/17/02, 9/3/02

 nonresident; 3 CSR 10-5.565; 6/17/02

 wildlife; 3 CSR 10-9.106; 6/17/02, 9/3/02

 collectors; 3 CSR 10-9.425; 6/17/02, 9/3/02

 youth deer and turkey hunting; 3 CSR 10-5.420; 7/15/02, 11/1/02, 2/18/03

 prohibitions, general; 3 CSR 10-9.110; 6/17/02, 9/3/02

 provisions; 3 CSR 10-6.405; 11/1/01, 2/1/02, 6/17/02, 9/3/02

 general; 3 CSR 10-11.110; 6/17/02, 9/3/02

 restricted zones; 3 CSR 10-6.415; 6/17/02, 9/3/02

right to possess wildlife; 3 CSR 10-4.141; 6/17/02, 9/3/02 seasons, hunting; 3 CSR 10-11.180; 6/17/02, 9/3/02 target shooting, shooting ranges; 3 CSR 10-11.150; 7/15/02, 10/1/02 traps, use of; 3 CSR 10-8.510; 6/17/02, 9/3/02 tree stands; 3 CSR 10-11.145; 6/17/02, 9/3/02 turkey season; 3 CSR 10-7.455; 2/1/02, 6/17/02, 9/3/02, 1/2/03 walleye and sauger; 3 CSR 10-6.540; 6/17/02, 9/3/02 waterfowl hunting; 3 CSR 10-11.186; 6/17/02, 9/3/02 wildlife breeders; 3 CSR 10-9.353; 9/3/02, 2/3/03 records required; 3 CSR 10-9.359; 6/17/02, 9/3/02 Class I; 3 CSR 10-9.230; 2/3/03 Class II; 3 CSR 10-9.351; 6/17/02, 9/3/02 confinement standards; 3 CSR 10-9.220; 6/17/02, 9/3/02 privileges; 3 CSR 10-9.353; 6/17/02, 9/3/02

COSMETOLOGY, STATE BOARD OF
fees; 4 CSR 90-13.010; 1/16/03
renewal; 4 CSR 90-13.050; 1/16/03

CREDIT UNIONS
examinations, frequency; 4 CSR 100-2.005; 10/1/02, 1/16/03

DENTAL BOARD, MISSOURI

addressing the public; 4 CSR 110-2.110; 8/1/02, 11/15/02 continuing dental education; 4 CSR 110-2.240; 8/1/02, 11/15/02

DISEASES

inoculation, smallpox; 19 CSR 20-20.020; 1/2/03 measures for control of; 19 CSR 20-20.040; 7/15/02, 10/15/02 metabolic, genetic testing; 19 CSR 25-36.010; 5/15/02, 9/3/02 sexually transmitted diseases preventing transmission of HIV, HBV; 19 CSR 20-26.050; 6/17/02, 10/15/02 voluntary evaluation for health care professionals; 19 CSR 20-26.060; 6/17/02, 10/15/02

DRINKING WATER PROGRAM, PUBLIC

contaminant levels filter backwash recycling; 10 CSR 60-4.050; 2/15/02, 10/15/02 radionuclide level; 10 CSR 60-4.060; 2/15/02, 10/15/02

DRIVERS LICENSE BUREAU RULES

assumed or common use name; 12 CSR 10-24.120; 12/16/02 back of drivers license; 12 CSR 10-24.430; 8/1/02, 11/15/02 commercial license requirements; 12 CSR 10-24.305; 12/16/02 delegation of authority; 12 CSR 10-24.395; 12/16/02 deletion of data from records; 12 CSR 10-24.050; 9/3/02, 12/16/02 permit driver sign; 12 CSR 10-24.472; 12/16/02 proof of identity; 12 CSR 10-24.448; 1/2/03 retesting requirements; 12 CSR 10-24.190; 8/15/02, 12/16/02 third party tester; 12 CSR 10-24.326; 5/15/02, 8/15/02 trial *de novo* procedures; 12 CSR 10-24.020; 10/1/02, 1/16/03

EGGS

licensing, distribution; 2 CSR 90-36.010; 11/15/02 repackaging; 2 CSR 90-36.020; 11/15/02

ELEMENTARY AND SECONDARY EDUCATION

academically deficient schools; 5 CSR 50-340.110; 5/1/02, 10/1/02 adult education, state plan; 5 CSR 60-100.010; 11/1/02 application, certificate to teach; 5 CSR 80-800.200; 9/16/02, 2/18/03 administrators; 5 CSR 80-800.220; 9/16/02, 2/18/03 adult education; 5 CSR 80-800.280; 9/16/02, 2/18/03 assessments required; 5 CSR 80-800.380; 4/1/02, 8/15/02, 2/18/03 classifications; 5 CSR 80-800.360; 9/16/02, 2/18/03

content areas; 5 CSR 80-800.350; 9/16/02, 2/18/03 discipline, denial; 5 CSR 80-800.300; 9/16/02, 2/18/03 student services; 5 CSR 80-800.230; 9/16/02, 2/18/03 temporary authorization; 5 CSR 80-800.260; 9/16/02, 2/18/03 vocational-technical; 5 CSR 80-800.270; 9/16/02, 2/18/03 assessments for certification; 5 CSR 80-800.380; 10/1/02, 2/18/03 audit policy, requirements; 5 CSR 30-4.030; 11/1/02, 2/18/03 Early Childhood Development Act; 5 CSR 50-270.010; 12/2/02 federal programs; 5 CSR 30-4.010; 2/18/03 fees; 5 CSR 80-800.370; 9/16/02, 2/18/03 high school equivalence program; 5 CSR 60-100.020; 11/1/02 Internet filtering; 5 CSR 50-380.020; 12/2/02 library media centers; 5 CSR 50-340.030; 5/1/02, 9/16/02 mentoring program standards; 5 CSR 80-850.045; 12/2/02 order of selection for services; 5 CSR 90-4.300; 9/16/02, 2/18/03 persistently dangerous schools; 5 CSR 50-355.100; 2/18/03 priority schools; 5 CSR 50-340.150; 12/2/02 professional education programs; 5 CSR 80-805.015; 11/1/02 clinical experience requirements; 5 CSR 80-805.040; 11/1/02 scholarship, teacher education; 5 CSR 80-850.010; 5/1/02, 9/16/02 training providers, eligible; 5 CSR 60-480.100; 11/1/02 veterans education, vocational rehabilitation; 5 CSR 60-900.050; 11/1/02 video programming in schools; 5 CSR 30-660.070; 12/2/02 vocational rehabilitation home modification, remodeling; 5 CSR 90-5.450; 9/16/02 maintenance, transportation; 5 CSR 90-5.420; 9/16/02 mediation; 5 CSR 90-4.430; 9/16/02 physical, mental restoration; 5 CSR 90-5.430; 9/16/02 state plan; 5 CSR 60-120.010; 9/16/02

ELEVATORS

accessibility for the disabled; 11 CSR 40-5.070; 1/2/03 alterations; 11 CSR 40-5.080; 1/2/03 fees, penalties; 11 CSR 40-5.110; 10/15/02 inspectors; 11 CSR 40-5.120; 1/2/03 new installations; 11 CSR 40-5.050; 1/2/03 safety codes for existing equipment; 11 CSR 40-5.065; 1/2/03 scope and application; 11 CSR 40-5.020; 1/2/03

EMPLOYMENT SECURITY

appeals; 8 CSR 10-5.010; 5/15/02, 9/3/02 decisions; 8 CSR 10-5.050; 5/15/02, 9/3/02 hearings; 8 CSR 10-5.015; 5/15/02, 9/3/02 orders of appeal; 8 CSR 10-5.040; 5/15/02, 9/3/02 telephone hearings; 8 CSR 10-5.030; 5/15/02, 9/3/02

ENERGY ASSISTANCE

low income home energy assistance; 13 CSR 40-19.020; 10/15/02, 2/18/03

ETHANOL FUEL

producers; 2 CSR 110-1.010; 9/3/02, 1/16/03

FINANCE, DIVISION OF

key man insurance; 4 CSR 140-2.055; 2/18/03 loan companies, small licensing; 4 CSR 140-11.010; 3/15/02, 9/3/02, 2/18/03 record keeping; 4 CSR 140-11.020; 3/15/02, 9/3/02, 2/18/03 preservation of records; 4 CSR 140-2.140; 2/18/03 section 500 companies licensing; 4 CSR 140-11.030; 3/15/02, 9/3/02, 2/18/03 record keeping; 4 CSR 140-11.040; 3/15/02, 9/3/02, 2/18/03

GAMING COMMISSION, MISSOURI

application priority of; 11 CSR 45-4.060; 9/3/02, 2/3/03 cards, specifications; 11 CSR 45-5.183; 7/1/02, 11/1/02 minimum internal control standards; 11 CSR 45-9.030; 4/1/02, 8/1/02

- occupational license; 11 CSR 45-4.260; 1/2/03
 payout percentage
 gaming devices; 11 CSR 45-5.070; 4/1/02, 8/1/02
 progressive table games; 11 CSR 45-5.075; 4/1/02, 8/1/02
 records; 11 CSR 45-3.010; 6/3/02, 10/1/02
 slot machines; 11 CSR 45-5.200; 10/1/02, 2/3/03
- GEOLOGY AND LAND SURVEY**
 construction standards; 10 CSR 23-5.050; 1/16/03
- HAZARDOUS WASTE PROGRAM**
 fees and taxes; 10 CSR 25-12.010; 7/1/02, 10/15/02
- HEALING ARTS, BOARD OF REGISTRATION FOR**
 collaborative practice; 4 CSR 150-5.100; 12/2/02
- HEALTH CARE PLAN, MISSOURI CONSOLIDATED**
 benefit provision, covered charges; 22 CSR 10-2.055; 1/16/03, 2/3/03
 PPO plan benefits; 22 CSR 10-2.050; 1/16/03, 2/3/03
 definitions; 22 CSR 10-2.010; 1/16/03, 2/3/03
 HMO and POS limitations; 22 CSR 10-2.067; 1/16/03, 2/3/03
 limitations; 22 CSR 10-2.060; 1/16/03, 2/3/03
 membership agreement, participation period; 22 CSR 10-2.020; 1/16/03, 2/3/03
 miscellaneous provisions; 22 CSR 10-2.080; 1/16/03, 2/3/03
 review and appeals procedures; 22 CSR 10-2.075; 1/16/03, 2/3/03
 summary of medical benefits
 co-pay, PPO plan; 22 CSR 10-2.045; 1/16/03, 2/3/03
 HMO/POS premium option; 22 CSR 10-2.063; 1/16/03, 2/3/03
 HMO/POS standard option; 22 CSR 10-2.064; 1/16/03, 2/3/03
 PPO plan; 22 CSR 10-2.040; 1/16/03, 2/3/03
- HEALTH MAINTENANCE ORGANIZATIONS**
 monitoring, definitions; 19 CSR 10-5.010; 11/1/02
- HEARING INSTRUMENT SPECIALISTS**
 continuing education; 4 CSR 165-2.050; 8/1/02, 11/15/02
- HIGHWAYS**
 contractor performance rating to determine responsibility
 annual rating of contractors; 7 CSR 10-10.070; 1/2/03
 definitions; 7 CSR 10-10.010; 1/2/03
 determination of nonresponsibility; 7 CSR 10-10.080; 1/2/03
 explanation of standard deviation; 7 CSR 10-10.060; 1/2/03
 performance questionnaire; 7 CSR 10-10.040; 1/2/03
 schedule for completion; 7 CSR 10-10.050; 1/2/03
 rating categories; 7 CSR 10-10.030; 1/2/03
 reservation of rights; 7 CSR 10-10.090; 1/2/03
 technician certification program
 appeal process; 7 CSR 10-23.030; 6/17/02, 11/15/02
 certification, decertification; 7 CSR 10-23.020; 6/17/02, 11/15/02
 definitions; 7 CSR 10-23.010; 6/17/02, 11/15/02
 utility and private line utility facilities
 division of relocation costs; 7 CSR 10-3.040; 11/15/02
 location and relocation; 7 CSR 10-3.010; 11/15/02
- IMMUNIZATIONS**
 school children, requirements; 19 CSR 20-28.010; 10/15/02, 1/16/03
- INCOME MAINTENANCE**
 limitations on cash payments; 13 CSR 40-2.140; 7/15/02, 11/15/02
 medical assistance for families; 13 CSR 40-2.375; 7/15/02, 11/15/02

- INDIAN TRIBES**
 coverage of unemployment insurance; 8 CSR 10-4.180; 7/15/02, 11/1/02
- INSURANCE, DEPARTMENT OF**
 activities requiring licensure; 20 CSR 700-1.020; 8/15/02, 12/16/02
 advertising
 accident and sickness insurance; 20 CSR 400-5.700; 8/15/02, 12/16/02
 life insurance; 20 CSR 400-5.100; 8/15/02, 12/16/02
 annuity, modified guaranty; 20 CSR 400-1.150; 8/15/02, 12/16/02
 appointment, termination of producers; 20 CSR 700-1.130; 8/15/02, 1/16/03
 forms for filing notice of 20 CSR 700-1.135; 8/15/02, 12/16/02
 automobile insurance
 cancellation, nonrenewal; 20 CSR 500-2.300; 8/15/02, 12/16/02
 claims practices; 20 CSR 100-1.200; 8/15/02, 12/16/02
 commercial inland marine; 20 CSR 500-1.210; 12/2/02
 conduct of business over the Internet; 20 CSR 700-1.025; 8/15/02, 1/16/03
 customer information, safeguarding; 20 CSR 100-6.110; 11/1/02
 deceptive practices; 20 CSR 400-5.200; 8/15/02, 12/16/02
 definitions; 20 CSR 100-1.010; 8/15/02, 12/16/02
 dram shop cost data reporting; 20 CSR 600-1.020; 11/1/02, 2/18/03
 education, prelicensing; 20 CSR 700-3.100; 8/15/02, 12/16/02
 Federal Liability Risk Retention Act; 20 CSR 200-8.100; 8/15/02, 1/16/03
 fee charges; 20 CSR 500-4.400; 8/15/02, 12/16/02
 filings required, MGA; 20 CSR 200-10.200; 8/15/02, 12/16/02
 financial condition of companies; 20 CSR 200-1.010; 8/15/02, 12/16/02
 fire policies, standard; 20 CSR 500-1.100; 8/15/02, 12/16/02
 forms, policy and endorsement; 20 CSR 500-6.100; 8/15/02, 12/16/02
 fiduciary duty of broker; 20 CSR 700-1.090; 8/15/02, 12/16/02
 group health
 classification; 20 CSR 400-2.090; 8/15/02, 12/16/02
 filings; 20 CSR 400-2.130; 8/15/02, 12/16/02
 guaranty association; 20 CSR 400-5.600; 8/15/02, 12/16/02
 health maintenance organizations
 access plans; 20 CSR 400-7.095; 11/1/02
 provider network adequacy standards; 20 CSR 400-7.095; 11/1/02
 incidental fees; 20 CSR 700-1.150; 8/15/02, 1/16/03
 interest, vendors/lenders/single; 20 CSR 500-2.400; 8/15/02, 12/16/02
 licensing
 activities requiring licensure; 20 CSR 700-1.020; 8/15/02
 business entity insurance producers; 20 CSR 700-1.110; 8/15/02, 1/16/03
 certification letters, application; 20 CSR 700-1.030; 8/15/02, 12/16/02
 clearance letters; 20 CSR 700-1.040; 8/15/02, 12/16/02
 insurance producer, exam, procedures; 20 CSR 700-1.010; 8/15/02, 1/16/03
 payment of earned commissions; 20 CSR 700-1.050; 8/15/02, 12/16/02
 reinsurance intermediary; 20 CSR 700-7.100; 8/15/02, 12/16/02
 retrospective commission contracts prohibited; 20 CSR 700-1.060; 8/15/02, 12/16/02
 life, accident, sickness; 20 CSR 600-2.100; 8/15/02, 12/16/02
 revision of rates; 20 CSR 600-2.110; 8/15/02, 1/16/03
 life insurance
 sold to college students; 20 CSR 400-5.500; 8/15/02, 12/16/02
 variable; 20 CSR 400-1.030; 8/15/02, 12/16/02

long-term care; 20 CSR 400-4.100; 8/15/02, 12/16/02
mandatory provisions; 20 CSR 400-7.030; 8/15/02, 12/16/02
individual contracts, evidence of coverage; 20 CSR 400-7.050; 8/15/02, 12/16/02
medical malpractice award; 20 CSR; 3/1/01, 3/1/02
Medicare Supplement Insurance Minimum Standards Act; 20 CSR 400-3.650; 8/15/02
misrepresentation of policy provisions; 20 CSR 100-1.020; 8/15/02, 12/16/02
mortgage guaranty, definitions; 20 CSR 500-10.100; 12/2/02
motor vehicles, goods as collateral; 20 CSR 500-1.700; 8/15/02, 12/16/02
policy approval criteria; 20 CSR 400-2.060; 8/15/02, 12/16/02
life insurance, annuity contracts; 20 CSR 400-1.010; 8/15/02, 12/16/02
producer service agreements; 20 CSR 700-1.100; 8/15/02, 1/16/03
property; 20 CSR 600-2.200; 8/15/02, 12/16/02
rate regulatory law interpretations; 20 CSR 500-4.100; 8/15/02, 12/16/02
rate variations, consent rate; 20 CSR 500-4.300; 8/15/02, 12/16/02
records, market conduct exam; 20 CSR 300-2.200; 8/15/02, 1/16/03
reinsurance mirror image rule; 20 CSR 200-2.700; 8/15/02, 1/16/03
replacement of life insurance; 20 CSR 400-5.400; 8/15/02, 1/16/03
representatives of prepaid dental corporations; 20 CSR 700-1.120; 8/15/02, 12/16/02
retaliatory tax supplement filing; 20 CSR 200-3.300; 8/15/02, 12/16/02
right to examination of accident, sickness coverage; 20 CSR 400-2.010; 8/15/02, 12/16/02
settlements, standards; 20 CSR 100-1.060; 12/16/02
solicitation on military installations; 20 CSR 400-5.300; 8/15/02, 12/16/02
sovereign immunity limits; 20 CSR; 3/15/00, 1/2/01, 1/2/02
standards
availability of coverage; 20 CSR 200-6.500; 8/15/02, 12/16/02
competency and trustworthiness; 20 CSR 700-1.140; 8/15/02, 1/16/03
surplus lines insurance
fees and taxes; 20 CSR 200-6.300; 8/15/02, 12/16/02
forms; 20 CSR 200-6.100; 8/15/02, 1/16/03
use of binders; 20 CSR 500-1.300; 8/15/02, 12/16/02
variable contracts other than life; 20 CSR 400-1.020; 8/15/02, 12/16/02
workers compensation; 20 CSR 500-6.700; 10/15/02
managed care organizations; 20 CSR 500-6.700; 6/17/02, 10/1/02
residual market, plan of operation; 20 CSR 500-6.960; 6/3/02, 12/2/02

INTERPRETERS, STATE COMMITTEE OF

principles, general; 4 CSR 232-3.010; 12/16/02

INVESTMENT

nonstate funds; 12 CSR 10-43.030; 7/15/02

LAND RECLAMATION

industrial mineral open pit, in-stream sand and gravel operations
permit application; 10 CSR 40-10.020; 9/17/01, 4/15/02, 9/16/02

LANDSCAPE ARCHITECTURAL COUNCIL

application
business associations; 4 CSR 196-10.010; 12/2/02
evaluation; 4 CSR 196-3.010; 12/2/02
reconsideration of denied; 4 CSR 196-2.040; 12/2/02
reviewing; 4 CSR 196-2.030; 12/2/02
submitting; 4 CSR 196-2.020; 12/2/02

certification; 4 CSR 196-4.010; 12/2/02
complaint handling, routine matters; 4 CSR 196-7.010; 12/2/02
definitions; 4 CSR 196-1.010; 12/2/02
fees; 4 CSR 196-6.010; 12/2/02
information, records; 4 CSR 196-12.010; 12/2/02
organization; 4 CSR 196-1.020; 12/2/02
registrant's identification; 4 CSR 196-9.010; 12/2/02
students, recognition; 4 CSR 196-11.010; 12/2/02
Uniform National Exam, Plant Material Exam; 4 CSR 196-5.010; 12/2/02

LIBRARY, STATE

computers, public access, filtering; 15 CSR 30-200.030; 12/2/02

LOTTERY, STATE

claim period; 12 CSR 40-80.080; 10/1/02, 2/3/03
tickets, prizes; 12 CSR 40-50.010; 10/1/02, 2/3/03

MEDICAID

critical assess hospitals; 13 CSR 70-15.010; 6/3/02, 7/1/02, 10/1/02
dental program; 13 CSR 70-35.010; 7/15/02, 8/15/02, 1/2/03
drugs excluded from coverage; 13 CSR 70-20.032; 7/15/02, 12/16/02
excludable drugs; 13 CSR 70-20.031; 7/15/02, 12/16/02
federal reimbursement allowance; 13 CSR 70-15.110; 7/1/02, 10/1/02
health care centers, benefits; 13 CSR 70-26.010; 9/3/02, 12/16/02
hospital settlements; 13 CSR 70-15.040; 7/15/02, 12/16/02
nonexcludable drugs; 13 CSR 70-20.034; 7/15/02, 12/16/02
optical care benefits; 13 CSR 70-40.010; 7/15/02, 8/15/02, 1/16/03
payment to trauma hospitals; 13 CSR 70-15.170; 7/15/02
prospective outpatient services; 13 CSR 70-15.160; 7/15/02, 12/16/02
provider enrollment; 13 CSR 70-3.020; 9/3/02, 1/16/03
uninsured parents' health insurance; 13 CSR 70-4.090; 7/15/02, 10/15/02

MEDICAL SERVICES, DIVISION OF

durable medical equipment; 13 CSR 70-60.010; 12/2/02, 2/18/03
payment of claims, Medicare Part B; 13 CSR 70-3.065; 2/18/03
rehabilitation center program; 13 CSR 70-65.010; 12/2/02, 2/18/03
therapy program; 13 CSR 70-70.010; 12/2/02, 2/18/03

MENTAL HEALTH, DEPARTMENT OF

access crisis intervention programs; 9 CSR 30-4.195; 10/1/02
admission criteria; 9 CSR 30-4.042; 9/3/02, 2/3/03
aggressive behaviors; 9 CSR 45-3.050; 4/15/02, 8/1/02
alcohol and drug abuse programs
adolescents; 9 CSR 30-3.192; 5/15/02, 9/3/02, 10/15/02, 2/3/03
certification; 9 CSR 30-3.032; 4/15/02, 8/1/02
definitions, staff qualifications; 9 CSR 30-3.110; 11/1/02
detoxification; 9 CSR 30-3.120; 5/15/02, 10/15/02
opioid treatment; 9 CSR 30-3.132; 4/15/02, 8/1/02
outpatient treatment; 9 CSR 30-3.130; 9/3/02, 2/3/03
personnel; 9 CSR 10-7.110; 10/1/02
residential treatment; 9 CSR 30-3.140; 5/15/02, 10/15/02
SATOP program structure; 9 CSR 30-3.206; 4/15/02, 8/1/02
service delivery; 9 CSR 30-3.100; 9/3/02, 2/3/03
behavior management; 9 CSR 10-7.060; 5/15/02, 10/15/02
certification
personnel, staff development; 9 CSR 30-4.034; 9/3/02, 2/3/03
standards; 9 CSR 30-4.030; 9/3/02, 2/3/03
client records; 9 CSR 30-4.035; 9/3/02, 2/3/03
complaints of abuse, neglect; 9 CSR 10-5.200; 4/15/02, 9/16/02, 10/15/02

definitions; 9 CSR 30-4.030; 2/1/02, 5/15/02; 9 CSR 10-7.140; 5/15/02, 10/15/02; 9 CSR 30-4.010; 9/3/02, 2/3/03
medication procedures; 9 CSR 30-4.041; 9/3/02, 2/3/03
medications; 9 CSR 10-7.070; 5/15/02, 10/15/02
organization; 9 CSR 10-1.010; 6/3/02, 9/16/02
rights, responsibilities, grievances; 9 CSR 10-7.020; 9/3/02, 2/3/03
service provision; 9 CSR 30-4.039; 9/3/02, 2/3/03
treatment; 9 CSR 30-4.043; 9/3/02, 2/3/03

MOTOR CARRIER AND RAILROAD SAFETY

briefs and oral argument; 4 CSR 265-2.130; 12/16/02
complaints; 4 CSR 265-2.070; 12/16/02
conduct during proceedings; 4 CSR 265-4.020; 12/16/02
continuances; 4 CSR 265-2.115; 12/16/02
decisions of the division; 4 CSR 265-2.140; 12/16/02
discovery and prehearings; 4 CSR 265-2.090; 12/16/02
dismissal of cases; 4 CSR 265-2.085; 12/16/02
evidence; 4 CSR 265-2.120; 12/16/02
gratuities and private employment; 4 CSR 265-4.010; 12/16/02
hearings; 4 CSR 265-2.110; 12/16/02
interventions; 4 CSR 265-2.116; 12/16/02
pleadings; 4 CSR 265-2.080; 12/16/02
rehearings; 4 CSR 265-2.150; 12/16/02
subpoenas and investigations; 4 CSR 265-2.100; 12/16/02

MOTOR VEHICLE

advertising regulation; 12 CSR 10-26.100; 1/16/03
auctions, dealers, manufacturers; 12 CSR 10-26.020; 10/1/02, 1/16/03
dealer license plates, certificate of number; 12 CSR 10-26.060; 11/1/02, 2/18/03
electric personal assistive mobility device; 12 CSR 10-23.454; 10/1/02, 1/16/03
established place of business; 12 CSR 10-26.010; 10/1/02, 1/16/03
off-premises shows, tent sales; 12 CSR 10-26.090; 10/1/02, 1/16/03
window tinting; 11 CSR 30-7.010; 4/1/02, 7/15/02

MOTOR VEHICLE INSPECTION

definitions; 11 CSR 50-2.500; 12/2/02
general information; 11 CSR 50-2.510; 12/2/02
procedures; 11 CSR 50-2.520; 12/2/02

NURSING, STATE BOARD OF

collaborative practice; 4 CSR 200-4.200; 12/2/02
complaint handling; 4 CSR 200-4.030; 8/1/02, 11/15/02
requirements for licensure; 4 CSR 200-4.020; 8/1/02, 11/15/02

NURSING HOME PROGRAM

enhancement pools; 13 CSR 70-10.150; 11/15/02
reimbursement plan; 13 CSR 70-10.015; 9/3/02, 12/16/02, 1/16/03

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

competency requirements; 4 CSR 205-5.010; 12/2/02
fees; 4 CSR 205-1.050; 8/1/02, 11/15/02
inactive status; 4 CSR 205-3.050; 12/2/02
license renewal; 4 CSR 205-3.040; 12/2/02
permit, limited; 4 CSR 205-3.030; 12/2/02
reinstatement; 4 CSR 205-3.060; 12/2/02
supervision; 4 CSR 205-4.010; 12/2/02

OPTOMETRY, DIVISION OF

application; 4 CSR 210-2.010; 8/1/02, 11/15/02
complaint handling; 4 CSR 210-2.040; 8/1/02, 11/15/02
examination; 4 CSR 210-2.081; 8/1/02, 11/15/02
fees; 4 CSR 210-2.070; 8/1/02, 11/15/02
licensure by
examination; 4 CSR 210-2.020; 8/1/02, 11/15/02
reciprocity; 4 CSR 210-2.011; 8/1/02, 11/15/02

ORGANIC PROGRAM

advisory board; 2 CSR 70-16.020; 2/18/03
certificates issued; 2 CSR 70-16.050; 2/18/03
certifying agent; 2 CSR 70-16.075; 2/18/03
complaints, investigations; 2 CSR 70-16.040; 2/18/03
compliance enforcement; 2 CSR 70-16.045; 2/18/03
definitions; 2 CSR 70-16.010; 2/18/03
inspections, sampling

certification; 2 CSR 70-16.035; 2/18/03
registration; 2 CSR 70-16.065; 2/18/03

marketing; 2 CSR 70-16.070; 2/18/03
NOP standards; 2 CSR 70-16.015; 2/18/03
procedures, certification; 2 CSR 70-16.025; 2/18/03
records; 2 CSR 70-16.030; 2/18/03
registration; 2 CSR 70-16.060; 2/18/03
seal; 2 CSR 70-16.055; 2/18/03

PARENTAL RIGHTS

attorney fees
guardian ad litem fees; 13 CSR 40-30.030; 7/15/02, 12/2/02
termination cases; 13 CSR 40-30.020; 12/16/02

PEACE OFFICER STANDARDS AND TRAINING (POST) PROGRAM

administration; 11 CSR 75-7.010; 6/3/02, 9/3/02
alternative methods of training delivery
procedures for agencies; 11 CSR 75-12.030; 6/3/02, 9/3/02
application; 11 CSR 75-4.020; 6/3/02, 9/3/02
bailiffs, training

completion; 11 CSR 75-9.030; 6/3/02, 9/3/02
requirements for; 11 CSR 75-9.010; 6/3/02, 9/3/02
trainee attendance, performance; 11 CSR 75-9.020; 6/3/02, 9/3/02

certification; 11 CSR 75-3.010; 6/3/02, 9/3/02
bailiff, peace officer, reserve officer; 11 CSR 75-3.060; 6/3/02, 9/3/02
eligibility for; 11 CSR 75-3.020; 6/3/02, 9/3/02
instructors; 11 CSR 75-4.030; 6/3/02, 9/3/02
requirements for; 11 CSR 75-3.030; 6/3/02, 9/3/02

continuing education
approval for a CLEE course; 11 CSR 75-15.040; 6/3/02, 9/3/02

computer-based training; 11 CSR 75-15.070; 6/3/02, 9/3/02
in-service training; 11 CSR 75-15.060; 6/3/02, 9/3/02
out-of-state, federal, organization; 11 CSR 75-15.050; 6/3/02, 9/3/02

provider license; 11 CSR 75-15.030; 6/3/02, 9/3/02

requirement; 11 CSR 75-15.010; 6/3/02, 9/3/02
standards; 11 CSR 75-15.020; 6/3/02, 9/3/02

courses; 11 CSR 75-6.030; 6/3/02, 9/3/02
standards, certified basic training; 11 CSR 75-14.050; 12/16/02

decertification; 11 CSR 75-4.050; 6/3/02, 9/3/02

definitions; 11 CSR 75-2.010; 6/3/02, 9/3/02

education requirements, continuing

completion; 11 CSR 75-11.030; 6/3/02, 9/3/02

computer-based education; 11 CSR 75-12.010; 6/3/02, 9/3/02
inactive or unemployed; 11 CSR 75-11.050; 6/3/02, 9/3/02
in-service training courses; 11 CSR 75-11.080; 6/3/02, 9/3/02
providers

approved; 11 CSR 75-11.060; 6/3/02, 9/3/02

procedures; 11 CSR 75-11.070; 6/3/02, 9/3/02
computer-based training alternatives; 11 CSR 75-

12.020; 6/3/02, 9/3/02

recognition, out-of-state training; 11 CSR 75-11.035; 6/3/02, 9/3/02

requirements; 11 CSR 75-11.010; 6/3/02, 9/3/02
trainee attendance, performance; 11 CSR 75-11.020; 6/3/02, 9/3/02

evaluation of
individual; 11 CSR 75-3.070; 6/3/02, 9/3/02
instructors; 11 CSR 75-4.040; 6/3/02, 9/3/02
fund, administration; 11 CSR 75-16.010; 6/3/02, 9/3/02
applicants; 11 CSR 75-10.030; 6/3/02, 9/3/02
budget year; 11 CSR 75-10.080; 6/3/02, 9/3/02
cost items; 11 CSR 75-10.060; 6/3/02, 9/3/02
ineligible; 11 CSR 75-10.070; 6/3/02, 9/3/02
distribution; 11 CSR 75-10.100; 6/3/02, 9/3/02
organization; 11 CSR 75-10.010; 6/3/02, 9/3/02
terms, conditions; 11 CSR 75-10.020; 6/3/02, 9/3/02
training
eligible; 11 CSR 75-10.040; 6/3/02, 9/3/02
ineligible; 11 CSR 75-10.050; 6/3/02, 9/3/02
instructors; 11 CSR 75-4.010; 6/3/02, 9/3/02
basis requirements; 11 CSR 75-14.080; 12/2/02
law enforcement experience; 11 CSR 75-3.040; 6/3/02, 9/3/02,
9/3/02
organization; 11 CSR 75-1.010; 6/3/02, 9/3/02
peace officer licenses
adjustment of classification; 11 CSR 75-13.080; 6/3/02,
9/3/02
classification; 11 CSR 75-13.010; 6/3/02, 9/3/02
cause to discipline; 11 CSR 75-13.090; 6/3/02, 9/3/02
exam; 11 CSR 75-13.050; 6/3/02, 9/3/02
expired, relicensing; 11 CSR 75-13.040; 6/3/02, 9/3/02
new license; 11 CSR 75-13.020; 6/3/02, 9/3/02
notification of change in status; 11 CSR 75-13.100; 6/3/02,
9/3/02
point scale; 11 CSR 75-13.060; 6/3/02, 9/3/02
procedure to obtain a new license; 11 CSR 75-13.020;
12/2/02
procedure to upgrade; 11 CSR 75-13.030; 6/3/02, 9/3/02
recognition of federal, military, out-of-state basic training;
11 CSR 75-13.070; 6/3/02, 9/3/02
peace officer, reserve officer
peace officer, reserve officer; 11 CSR 75-6.010; 6/3/02,
9/3/02
trainee attendance, performance; 11 CSR 75-6.020; 6/3/02,
9/3/02
suspension, revocation; 11 CSR 75-3.080; 6/3/02, 9/3/02
providers license; 11 CSR 75-15.030; 12/2/02
sheriff's department, training
attendance; 11 CSR 75-8.020; 6/3/02, 9/3/02
requirements for; 11 CSR 75-8.030; 6/3/02, 9/3/02
St. Louis deputies; 11 CSR 75-8.010; 6/3/02, 9/3/02
training centers
applications; 11 CSR 75-5.030; 6/3/02, 9/3/02
directors, coordinators; 11 CSR 75-5.020; 6/3/02, 9/3/02
establishment of; 11 CSR 75-5.010; 6/3/02, 9/3/02
requirements, procedures; 11 CSR 75-5.040; 6/3/02, 9/3/02
training centers, basic
certification of courses; 11 CSR 75-14.040; 6/3/02, 9/3/02
curricula, objectives; 11 CSR 75-14.030; 6/3/02, 9/3/02
eligibility for entrance; 11 CSR 75-14.060; 6/3/02, 9/3/02
instructors
licenses; 11 CSR 75-14.070; 6/3/02, 9/3/02
requirements; 11 CSR 75-14.080; 6/3/02, 9/3/02
procedures to obtain a license; 11 CSR 75-14.010; 6/3/02,
9/3/02
requirements, minimum; 11 CSR 75-14.020; 6/3/02, 9/3/02
standards for a course; 11 CSR 75-14.050; 6/3/02, 9/3/02
waivers; 11 CSR 75-3.050; 6/3/02, 9/3/02

PERFUSIONISTS, LICENSING OF CLINICAL

advisory commission; 4 CSR 150-8.150; 9/16/02, 1/2/03
education, continuing; 4 CSR 150-8.140; 1/16/03
fees; 4 CSR 150-8.060; 6/3/02, 10/1/02

PERSONNEL ADVISORY BOARD

broad classification for bands of managers; 1 CSR 20-2.015;
1/16/03, 2/3/03
grievance procedures; 1 CSR 20-4.020; 10/15/02, 2/18/03
hours of work, holidays; 1 CSR 20-5.010; 10/15/02, 2/18/03
leaves of absence; 1 CSR 20-5.020; 6/3/02, 10/15/02, 2/18/03
merit system service; 1 CSR 20-1.040; 10/15/02, 2/18/03

PHARMACY PROGRAM

drug prior authorization, list of
drugs excluded from coverage; 13 CSR 70-20.032; 7/15/02
excludable drugs; 13 CSR 70-20.031; 7/15/02
new drug entities or dosage form; 13 CSR 70-20.250;
6/17/02, 7/1/02, 10/15/02
non-excludable drugs; 13 CSR 70-20.034; 7/15/02
process; 13 CSR 70-20.200; 6/17/02, 7/1/02, 10/15/02
permits; 4 CSR 200-2.020; 1/2/03
reimbursement allowance; 13 CSR 70-20.320; 7/15/02, 8/15/02
1/2/03
standards of operation; 4 CSR 220-2.010; 8/1/02, 12/2/02
Class J, shared services; 4 CSR 220-2.650; 1/2/03
sterile pharmaceuticals; 4 CSR 220-2.200; 1/2/03

PHARMACY, STATE BOARD OF

complaint handling; 4 CSR 220-2.050; 8/1/02, 12/16/02
compounding standards; 4 CSR 220-2.400; 1/2/03
continuing pharmacy education; 4 CSR 220-2.100; 8/1/02,
12/16/02
educational, licensing requirements; 4 CSR 220-2.030; 8/1/02,
12/16/02
patient counseling; 4 CSR 220-2.190; 12/16/02
nonresident pharmacies; 4 CSR 220-2.025; 8/1/02, 12/16/02
return, reuse of drugs/devices; 4 CSR 220-3.040; 5/15/02, 10/1/02
standards of operation; 4 CSR 220-2.010; 8/1/02
Class J, shared services; 4 CSR 220-2.650; 1/2/02, 5/1/02,
1/2/03
sterile pharmaceuticals; 4 CSR 220-2.200; 1/2/03
technician registration; 4 CSR 220-2.700; 12/16/02

PHYSICAL THERAPISTS/ASSISTANTS

advisory commission; 4 CSR 150-3.210; 9/16/02, 1/2/03
applicants; 4 CSR 150-3.010; 8/1/02, 11/15/02
application forms; 4 CSR 150-3.020; 8/1/02, 11/15/02
definitions; 4 CSR 150-3.200; 12/16/02
fees; 4 CSR 150-3.080; 8/1/02, 11/15/02

PHYSICIAN ASSISTANTS

advisory commission; 4 CSR 150-7.320; 9/16/02, 1/2/03
fees; 4 CSR 150-7.200; 6/3/02, 10/1/02

PHYSICIAN LOAN AND TRAINING PROGRAMS

health, professional student loan repayment; 19 CSR 10-3.030;
5/15/02, 9/3/02
J-1 visa waiver program; 19 CSR 10-4.020; 1/2/03

PHYSICIANS AND SURGEONS

application; 4 CSR 150-2.040; 6/3/02, 10/1/02
fees; 4 CSR 150-2.080; 5/15/02, 9/16/02
license
limited; 4 CSR 150-2.155; 6/3/02, 10/1/02
reciprocity; 4 CSR 150-2.030; 6/3/02, 10/1/02
reinstatement; 4 CSR 150-2.150; 12/16/02
temporary; 4 CSR 150-2.060; 6/3/02, 10/1/02

PODIATRIC MEDICINE, DIVISION OF

fees; 4 CSR 230-2.070; 1/16/03

POLICE COMMISSIONERS, KANSAS CITY BOARD OF

application, fees; 17 CSR 10-2.010; 8/1/02
regulation and licensing; 17 CSR 10-2.010; 8/1/02

PRESCRIPTION DRUGS, SENIOR RX PROGRAM

rebate program, manufacturers; 19 CSR 90-3.010; 3/1/02

PUBLIC SERVICE COMMISSION

applications; 4 CSR 240-2.060; 9/16/02

cold weather rule; 4 CSR 240-13.055; 12/3/01, 9/16/02

contested cases; 4 CSR 240-2.117; 5/1/02, 10/1/02

definitions; 4 CSR 240-3.010; 9/16/02

discontinuance of service; 4 CSR 240-33.070; 12/2/02

electric utilities

annual rates; 4 CSR 240-3.165; 9/16/02

acquire stock of public utility; 4 CSR 240-3.125; 9/16/02

certificate of convenience, necessity; 4 CSR 240-3.105; 9/16/02

change of electrical suppliers; 4 CSR 240-3.140; 9/16/02

cogeneration; 4 CSR 240-20.060; 9/16/02

tariff filings; 4 CSR 240-3.155; 9/16/02

cold weather report, submission; 4 CSR 240-3.180; 9/16/02

decommissioning of electric plants; 4 CSR 240-3.185; 9/16/02

definitions; 4 CSR 240-3.100; 9/16/02

depreciation studies; 4 CSR 240-3.175; 9/16/02

events, reporting requirement; 4 CSR 240-20.080; 9/16/02

general rate increase; 4 CSR 240-3.160; 9/16/02

issue stock, bonds, notes; 4 CSR 240-3.120; 9/16/02

merge, consolidate; 4 CSR 240-3.115; 9/16/02

promotional practices; 4 CSR 240-3.150; 9/16/02

rate schedules; 4 CSR 240-3.145, 4 CSR 240-20.010; 9/16/02

reporting requirements; 4 CSR 240-3.190; 9/16/02

schedule of fees; 4 CSR 240-3.135, 4 CSR 240-21.010; 9/16/02

sell, assign, lease, transfer assets; 4 CSR 240-3.110; 9/16/02

trust funds, decommissioning; 4 CSR 240-20.070; 9/16/02

uniform system of accounts; 4 CSR 240-20.030; 9/16/02

electric service territorial agreements; 4 CSR 240-3.130; 9/16/02

energy sellers; 4 CSR 240-45.010; 9/16/02

filings requirements; 4 CSR 240-3.030; 9/16/02

gas utilities

acquire property, eminent domain; 4 CSR 240-3.230; 9/16/02

acquire stock of public utility; 4 CSR 240-3.225; 9/16/02

certificate of convenience, necessity; 4 CSR 240-3.205; 9/16/02

cold weather report, submission; 4 CSR 240-3.250; 9/16/02

conversion of service, upgrading; 4 CSR 240-3.295; 9/16/02

definitions; 4 CSR 240-3.200; 9/16/02

depreciation studies; 4 CSR 240-3.275; 9/16/02

drug, alcohol testing plans; 4 CSR 240-3.280; 9/16/02

issue stock, bonds, notes; 4 CSR 240-3.220; 9/16/02

merge, consolidate; 4 CSR 240-3.215; 9/16/02

pipelines, transportation; 4 CSR 240-3.270; 9/16/02

promotional practices; 4 CSR 240-3.255; 9/16/02

rate increase

general; 4 CSR 240-3.235; 9/16/02

small company; 4 CSR 240-3.240; 9/16/02

rate schedules; 4 CSR 240-3.260, 4 CSR 240-40.010; 9/16/02

reports

annual; 4 CSR 240-3.245; 9/16/02

incident, annual, safety conditions; 4 CSR 240-3.290; 9/16/02

sell, assign, lease, transfer assets; 4 CSR 240-3.210; 9/16/02

sellers, gas certification; 4 CSR 240-3.285; 9/16/02

uniform system of accounts; 4 CSR 240-40.040; 9/16/02

heating companies

uniform system of accounts; 4 CSR 240-80.020; 9/16/02

intervention; 4 CSR 240-2.075; 5/1/02, 10/1/02

manufactured home

inspection fee; 4 CSR 240-120.140; 2/18/03

seals; 4 CSR 240-123.030; 2/18/03

Missouri Universal Service Fund

assessments for funding; 4 CSR 240-31.060; 12/2/02

collection of surcharge from end-user subscribers; 4 CSR 240-31.065; 12/2/02

definitions; 4 CSR 240-31.010; 12/2/02

eligibility for funding; 4 CSR 240-31.050; 12/2/02

name changes, filing; 4 CSR 240-3.020; 9/16/02

pleadings, filing, service; 4 CSR 240-2.080; 7/1/02, 11/15/02

promotional practices; 4 CSR 240-14.040; 9/16/02

rate increase requests; 4 CSR 240-10.070; 9/16/02

reports, annual filing requirements; 4 CSR 240-10.080; 9/16/02

sewer utility

acquire stock of public utility; 4 CSR 240-3.325; 9/16/02

certificate of convenience, necessity; 4 CSR 240-3.305; 9/16/02

definitions; 4 CSR 240-3.300; 9/16/02

issue stock, bonds, notes; 4 CSR 240-3.320; 9/16/02

merge, consolidate; 4 CSR 240-3.315; 9/16/02

rate increase; 4 CSR 240-3.330; 9/16/02

reports, annual; 4 CSR 240-3.335; 9/16/02

sell, assign, lease, transfer assets; 4 CSR 240-3.310; 9/16/02

tariff schedules; 4 CSR 240-3.340, 4 CSR 240-60.030; 9/16/02

small company, rate increase; 4 CSR 240-2.200; 9/16/02

steam heating

acquire stock of public utility; 4 CSR 240-3.420; 9/16/02

certificate of convenience, necessity; 4 CSR 240-3.400; 9/16/02

issue stock, bonds, notes; 4 CSR 240-3.415; 9/16/02

merge, consolidate; 4 CSR 240-3.410; 9/16/02

rate schedules; 4 CSR 240-3.425, 4 CSR 240-80.010; 9/16/02

reports, annual; 4 CSR 240-3.435; 9/16/02

sell, assign, lease, transfer assets; 4 CSR 240-3.405; 9/16/02

stipulations agreements; 4 CSR 240-2.115; 5/1/02, 10/1/02

tariff filings, cases; 4 CSR 240-3.025; 9/16/02

telecommunications companies

acquire stock of public utility; 4 CSR 240-3.535; 9/16/02

certificates of authority; 4 CSR 240-3.515; 9/16/02

customer-owned coin telephone; 4 CSR 240-3.505; 9/16/02

definitions; 4 CSR 240-3.500; 9/16/02

filing requirements; 4 CSR 240-3.510; 9/16/02

inquiries, residential customers; 4 CSR 240-3.555; 9/16/02

issue stock, bonds, notes; 4 CSR 240-3.530; 9/16/02

merge, consolidate; 4 CSR 240-3.525; 9/16/02

rate schedules; 4 CSR 240-3.545; 9/16/02

records and reports; 4 CSR 240-3.550, 4 CSR 240-32.030; 9/16/02

reports, annual; 4 CSR 240-3.540; 9/16/02

residential customer inquires; 4 CSR 240-33.060; 9/16/02

sell, assign, lease, transfer assets; 4 CSR 240-3.520; 9/16/02

telephone corporations, reporting

rate schedules; 4 CSR 240-30.010; 9/16/02

waivers, variances; 4 CSR 240-3.015; 9/16/02

water utilities

acquire stock of public utility; 4 CSR 240-3.620; 9/16/02

certificate of convenience, necessity; 4 CSR 240-3.600; 9/16/02

filing requirements; 4 CSR 240-3.625; 9/16/02

issue stock, bonds, notes; 4 CSR 240-3.615; 9/16/02

merge, consolidate; 4 CSR 240-3.610; 9/16/02

rate increase; 4 CSR 240-3.635; 9/16/02

rate schedules; 4 CSR 240-3.645, 4 CSR 240-50.010; 9/16/02

reports, annual; 4 CSR 240-3.640; 9/16/02

schedule of fees; 4 CSR 240-3.630, 4 CSR 240-51.010; 9/16/02

sell, assign, lease, transfer assets; 4 CSR 240-3.605; 9/16/02

PURCHASING AND MATERIALS MANAGEMENT

waiver of

bidding procedures; 1 CSR 40-1.090; 7/1/02

Mental Health services; 1 CSR 40-1.090; 1/2/03

REAL ESTATE COMMISSION

application; 4 CSR 250-3.010; 8/1/02, 11/15/02
accreditation; 4 CSR 250-7.020; 8/1/02, 11/15/02
classroom course approval; 4 CSR 250-10.030; 8/1/02, 11/15/02
closing a real estate firm; 4 CSR 250-8.155; 8/1/02, 11/15/02
complaints; 4 CSR 250-9.010; 8/1/02, 11/15/02
escrow or trust account; 4 CSR 250-8.220; 8/1/02, 11/15/02
expiration, renewal; 4 CSR 250-4.020; 8/1/02, 11/15/02
fees; 4 CSR 250-5.020; 11/1/01, 2/15/02
instructor approval; 4 CSR 250-10.040; 8/1/02, 11/15/02
license
nonresident; 4 CSR 250-4.080; 8/1/02, 11/15/02
partnership, association, corporation; 4 CSR 250-4.070;
8/1/02, 11/15/02
professional corporations; 4 CSR 250-4.075; 8/1/02, 11/15/02
records; 4 CSR 250-10.070; 8/1/02, 11/15/02
requirements; 4 CSR 250-10.010; 8/1/02, 11/15/02
sponsors; 4 CSR 250-10.020; 8/1/02, 11/15/02

RESPIRATORY CARE, MISSOURI BOARD FOR

application; 4 CSR 255-2.010; 8/1/02, 12/16/02
continuing education; 4 CSR 255-4.010; 8/1/02, 12/16/02
inactive status; 4 CSR 255-2.050; 5/15/02, 10/1/02
reinstatement; 4 CSR 255-2.060; 5/15/02, 10/1/02

RETIREMENT SYSTEMS

benefits, normal retirement; 16 CSR 50-2.090; 1/16/03
county employees' deferred compensation plan
death benefits; 16 CSR 50-20.080; 6/3/02, 10/1/02
distribution of accounts; 16 CSR 50-20.070; 6/3/02, 10/1/02
limitations on deferral; 16 CSR 50-20.050; 6/3/02, 10/1/02
participation in plan; 16 CSR 50-20.030; 6/3/02, 10/1/02
separation from service; 16 CSR 50-2.040; 1/16/03
county employees' defined contribution plan
accounts of participants; 16 CSR 50-10.040; 6/3/02, 10/1/02
contributions; 16 CSR 50-10.030; 6/3/02, 10/1/02, 12/2/02
definitions; 16 CSR 50-10.010; 6/3/02, 10/1/02
distribution of accounts; 16 CSR 50-10.050; 6/3/02, 10/1/02
employee contributions; 16 CSR 50-2.020; 1/16/03
vesting and service; 16 CSR 50-10.070; 6/3/02, 10/1/02
creditable service; 16 CSR 50-3.010; 1/16/03
highways and transportation employees, highway patrol
disability benefits for year 2000 plan; 16 CSR 40-3.130;
12/2/02
nonteacher school employee
recognition of credit; 16 CSR 10-6.065; 8/1/02, 1/2/03
public school retirement system
recognition of credit; 16 CSR 10-5.080; 8/1/02, 1/2/03
source of pension funds; 16 CSR 50-2.080; 1/16/03

SECURITIES, DIVISION OF

amendments; 15 CSR 30-52.300; 10/1/02, 1/16/03
application
registration; 15 CSR 30-52.015; 10/1/02, 1/16/03
bonds, mortgage revenue; 15 CSR 30-52.340; 10/1/02, 1/16/03
civil liability; 15 CSR 30-52.200; 10/1/02, 1/16/03
completion; 15 CSR 30-52.310; 10/1/02, 1/16/03, 2/18/03
effectiveness; 15 CSR 30-52.290; 10/1/02, 1/16/03
fees; 15 CSR 30-50.030; 1/2/03
financial statements; 15 CSR 30-52.025; 10/1/02, 1/16/03
foreign real estate; 15 CSR 30-52.190; 10/1/02, 1/16/03
forms;
escrow agreement; 15 CSR 30-52.230; 10/1/02, 1/16/03
Missouri issuer registration; 15 CSR 30-52.272; 10/1/02
1/16/03
offer of refund; 15 CSR 30-52.260; 10/1/02, 1/16/03
refund for Missouri issuer registration; 15 CSR 30-52.273;
10/1/02, 1/16/03
impoundment; 15 CSR 30-52.100; 10/1/02, 1/16/03
proceeds; 15 CSR 30-52.250; 10/1/02, 1/16/03

issued by

closed-end investment companies; 15 CSR 30-52.210;
10/1/02, 1/16/03
open-end management companies; 15 CSR 30-52.160;
10/1/02, 1/16/03
loans, transactions; 15 CSR 30-52.130; 10/1/02, 1/16/03
Missouri issuer registration; 15 CSR 30-52.271; 10/1/02, 1/16/03
offering price; 15 CSR 30-52.050; 10/1/02, 1/16/03
options, warrants; 15 CSR 30-52.060; 10/1/02, 1/16/03
partnership, limited; 15 CSR 30-52.180; 10/1/02, 1/16/03
payment plans, periodic; 15 CSR 30-52.140; 10/1/02, 1/16/03
preferred stock, debt securities; 15 CSR 30-52.120; 10/1/02,
1/16/03
promoters' investment; 15 CSR 30-52.080; 10/1/02, 1/16/03
promotional shares; 15 CSR 30-52.070; 10/1/02, 1/16/03
prospectus; 15 CSR 30-52.020; 10/1/02, 1/16/03
provisions, general; 15 CSR 30-52.010; 10/1/02, 1/16/03
record of hearing
issued by; 15 CSR 30-52.160; 10/1/02, 1/16/03
records, preserved; 15 CSR 30-52.330; 10/1/02, 1/16/03
registration by
small company; 15 CSR 30-52.275; 10/1/02, 1/16/03
reports; 15 CSR 30-52.320; 10/1/02, 1/16/03
requirements; 15 CSR 30-51.160; 10/1/02, 1/16/03
seasoned issuer registration by filing; 15 CSR 30-52.350; 10/1/02,
1/16/03
selling, expenses, security holders; 15 CSR 30-52.040; 10/1/02,
1/16/03
standards; 15 CSR 30-52.030; 10/1/02, 1/16/03
trusts, real estate; 15 CSR 30-52.150; 10/1/02, 1/16/03
voting rights; 15 CSR 30-52.110; 10/1/02, 1/16/03
withdrawal, termination; 15 CSR 30-52.280; 10/1/02, 1/16/03

SOCIAL WORKERS, STATE COMMITTEE OF

application
clinical social worker; 4 CSR 263-2.050; 12/2/02
licensed baccalaureate social worker; 4 CSR 263-2.052;
12/2/02
complaint handling and disposition; 4 CSR 263-1.025; 12/2/02
definitions; 4 CSR 263-1.010; 12/2/02
educational requirements; 4 CSR 263-2.020; 12/2/02
baccalaureate social workers; 4 CSR 263-2.022; 12/2/02
experience, supervised; 4 CSR 263-2.030; 12/2/02
registration of work; 4 CSR 263-2.032; 12/2/02
fees; 4 CSR 263-1.035; 12/2/02
licensure
provisional licensed; 4 CSR 263-2.045; 12/2/02
provisional licensed baccalaureate; 4 CSR 263-2.047;
12/2/02
reciprocity
licensed clinical social worker; 4 CSR 263.2.060;
12/2/02
licensed baccalaureate; 4 CSR 263-2.062; 12/2/02
organization; 4 CSR 263-1.015; 12/2/02
permits, temporary licensed
baccalaureate social worker; 4 CSR 263-2.072; 12/2/02
clinical social worker; 4 CSR 263-2.070; 12/2/02
renewal of license; 4 CSR 263-2.075; 12/2/02
supervisors; 4 CSR 263-2.031; 12/2/02

SOIL AND WATER DISTRICTS COMMISSION

special area land treatment (SALT) program
administration; 10 CSR 70-8.010; 12/16/02
application
cost-share funds; 10 CSR 70-8.020; 12/16/02
loan interest share funds; 10 CSR 70-8.080; 12/16/02
availability of loan interest share funds; 10 CSR 70-8.070;
12/16/02
commission administration; 10 CSR 70-8.060; 12/16/02

cost-share rates; 10 CSR 70-8.040; 12/16/02
 design, layout, construction; 10 CSR 70-8.030; 12/16/02
 district administration
 cost-share program; 10 CSR 70-8.050; 12/16/02
 loan interest share program; 10 CSR 70-8.110;
 12/16/02
 eligibility of costs; 10 CSR 70-8.100; 12/16/02
 operation, maintenance; 10 CSR 70-8.090; 12/16/02
 process and commission administration; 10 CSR 70-8.120;
 12/16/02

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

advisory commission; 4 CSR 150-4.220; 9/16/02, 1/2/03
 applications; 4 CSR 150-4.010; 6/3/02, 10/1/02
 fees; 4 CSR 150-4.060; 6/3/02, 10/1/02

TATTOOING, BODY PIERCING AND BRANDING

cleaning, sterilization; 4 CSR 267-5.030; 9/16/02, 1/2/03
 complaint handling, disposition; 4 CSR 267-6.020; 9/16/02, 1/2/03
 definitions; 4 CSR 267-1.010; 9/16/02, 1/2/03
 disciplinary proceedings; 4 CSR 267-6.030; 9/16/02, 1/2/03
 enforcement; 4 CSR 267-6.010; 9/16/02, 1/2/03
 establishment; 4 CSR 267-3.010; 9/16/02, 1/2/03
 change of name, ownership, location; 4 CSR 267-1.030;
 9/16/02, 1/2/03
 fees; 4 CSR 267-2.020; 9/16/02, 1/2/03
 licenses; 4 CSR 267-2.010; 9/16/02, 1/2/03
 temporary establishment; 4 CSR 267-4.010; 9/16/02, 1/2/03
 renewals; 4 CSR 267-2.030; 9/16/02, 1/2/03
 name, address changes; 4 CSR 267-1.020; 9/16/02, 1/2/03
 patrons; 4 CSR 267-5.020; 9/16/02, 1/2/03
 preparation, care of site; 4 CSR 267-5.040; 9/16/02, 1/2/03
 standards of practice; 4 CSR 267-5.010; 9/16/02, 1/2/03

TAX, INCOME

accounting methods; 12 CSR 10-2.040; 5/15/02, 9/3/02
 agricultural unemployed person; 12 CSR 10-2.175; 5/15/02, 9/3/02
 annual adjusted rate of interest; 12 CSR 10-41.010; 12/2/02
 credit carryback; 12 CSR 10-2.145; 5/15/02, 9/3/02
 employers' withholding; 12 CSR 10-2.015; 5/1/02, 9/3/02
 failure to pay; 12 CSR 10-2.065; 5/15/02, 9/3/02
 questions, answers; 12 CSR 10-2.005; 5/15/02, 9/3/02
 returns, Missouri consolidated; 12 CSR 10-2.045; 12/2/02

TAX, INHERITANCE AND ESTATE

appraisers
 duties; 12 CSR 10-8.080; 5/1/02, 9/3/02
 errors in report, exceptions; 12 CSR 10-8.090; 5/1/02, 9/3/02
 report; 12 CSR 10-8.100; 5/1/02, 9/3/02
 encroachment; 12 CSR 10-8.130; 5/1/02, 9/3/02
 homestead allowance; 12 CSR 10-8.040; 5/1/02, 9/3/02
 interest; 12 CSR 10-8.050; 5/1/02, 9/3/02
 mortality table; 12 CSR 10-8.150; 5/1/02, 9/3/02
 payment of tax, receipt, refund; 12 CSR 10-8.060; 5/1/02, 9/3/02
 probate court to determine; 12 CSR 10-8.070; 5/1/02, 9/3/02
 refund; 12 CSR 10-8.140; 5/1/02, 9/3/02
 valuation, methods, mortality table; 12 CSR 10-8.110; 5/1/02,
 9/3/02

TAX, SALES/USE

carbon dioxide gas; 12 CSR 10-3.270; 12/16/02
 canteens, gift shops; 12 CSR 10-3.422; 12/16/02
 clubs, places of amusement; 12 CSR 10-3.048; 12/16/02
 coins and bullion; 12 CSR 10-3.124; 11/15/02
 common carriers; 12 CSR 10-3.300; 5/15/02, 9/3/02
 exemption certificates; 12 CSR 10-3.304; 12/16/02
 component parts; 12 CSR 10-3.294; 5/15/02, 9/3/02
 concessionaires; 12 CSR 10-3.042; 5/1/02, 9/3/02

dual operators; 12 CSR 10-3.031; 5/1/02, 9/3/02
 electrical energy; 12 CSR 10-110.600; 11/15/02
 12 CSR 10-3.358; 12/16/02
 exempt agency; 12 CSR 10-3.245; 5/15/02, 9/3/02
 exemption certificate; 12 CSR 10-3.514; 12/16/02
 possession, delivery; 12 CSR 10-3.538; 12/16/02
 export sales; 12 CSR 10-3.233; 5/1/02, 9/3/02
 farm machinery; 12 CSR 10-110.900; 12/16/02
 fireworks; 12 CSR 10-3.010; 12/16/02
 gifts, promotional, premiums; 12 CSR 10-3.038; 12/16/02
 guidelines, when title passes; 12 CSR 10-3.150; 12/16/02
 homes, modular or sectional; 12 CSR 10-3.034; 5/1/02, 9/3/02
 information required; 12 CSR 10-3.247; 5/15/02, 9/3/02
 ingredients; 12 CSR 10-3.292; 5/15/02, 9/3/02
 labor or service rendered; 12 CSR 10-3.044; 5/1/02, 9/3/02
 lease or rental; 12 CSR 10-3.226; 12/16/02
 letters of exemption; 12 CSR 10-110.950; 11/15/02
 maintenance charges; 12 CSR 10-3.232; 12/16/02
 manufacturers, wholesalers; 12 CSR 10-3.008; 5/1/02, 9/3/02
 manufacturing equipment; 12 CSR 10-111.010; 11/15/02
 marketing organizations; 12 CSR 10-3.860; 12/16/02
 material recovery processing plant; 12 CSR 10-111.060; 11/15/02
 meal ticket; 12 CSR 10-3.240; 5/15/02, 9/3/02
 personal property, lease or rental; 12 CSR 10-108.700; 5/1/02,
 9/3/02

separate transactions; 12 CSR 10-3.179; 5/1/02, 9/3/02
 petty cash funds; 12 CSR 10-3.258; 5/15/02, 9/3/02
 photographers; 12 CSR 10-3.088; 12/16/02
 physicians, dentists, optometrists; 12 CSR 10-103.395; 5/1/02,
 9/16/02

printers; 12 CSR 10-3.348; 12/16/02
 railroad rolling stock; 12 CSR 10-3.356; 12/16/02
 redemption of coupons; 12 CSR 10-3.144; 5/1/02, 9/3/02
 refunds, credits; 12 CSR 10-102.016; 5/1/02, 9/3/02
 repair parts, leased or rented equipment; 12 CSR 10-3.230;
 12/16/02

resale exemption certificates; 12 CSR 10-3.532; 12/16/02
 sale on installed basis; 12 CSR 10-3.158; 5/1/02, 9/3/02
 sales to Missouri; 12 CSR 10-3.250; 5/15/02, 9/3/02

other than political subdivisions; 12 CSR 10-3.256; 5/15/02,

9/3/02

political subdivisions; 12 CSR 10-3.254; 5/15/02, 9/3/02

sale, when consummates; 12 CSR 10-3.148; 12/16/02

service station ownership; 12 CSR 10-3.116; 5/1/02, 9/3/02

successor liability; 12 CSR 10-3.500; 12/16/02

transportation fares; 12 CSR 10-3.222; 12/16/02

water or air pollution installation contractor; 12 CSR 10-3.372;

12/16/02

TAX, STATE COMMISSION

appeals from local board; 12 CSR 30-3.010; 7/15/02, 10/15/02

TIMBER PRODUCTS, TREATED

branding of; 2 CSR 70-40.040; 9/16/02, 2/18/03

inspection, sampling, analysis; 2 CSR 70-40.025; 9/16/02, 2/18/03

standards; 2 CSR 70-40.015; 9/16/02, 2/18/03

tagging peeler core landscape timbers; 2 CSR 70-40.045; 9/16/02,

2/18/03

TRAVEL REGULATIONS

reimbursement; 1 CSR 10-11.010; 7/15/02, 11/15/02

UNIFORM COMMERCIAL CODE

acknowledgements; 15 CSR 30-90.105; 11/1/02, 2/18/03

bulk records; 15 CSR 30-90.075; 11/1/02, 2/18/03

data elements; 15 CSR 30-90.204; 11/1/02, 2/18/03

deadline to refuse filing; 15 CSR 30-90.100; 11/1/02, 2/18/03

definitions; 15 CSR 30-90.010; 11/1/02, 2/18/03

duties, filing officer; 15 CSR 30-90.070; 11/1/02, 2/18/03

errors in filing; 15 CSR 30-90.190; 11/1/02, 2/18/03
fees; 15 CSR 30-90.040; 11/1/02, 2/18/03
filing office data entry; 15 CSR 30-90.110; 11/1/02, 2/18/03
forms; 15 CSR 30-90.030; 11/1/02, 2/18/03
information management system; 15 CSR 30-90.201; 11/1/02,
2/18/03
names, multiple; 15 CSR 30-90.076; 11/1/02, 2/18/03
non-XML filing and search; 15 CSR 30-90.202; 11/1/02, 2/18/03
notice of bankruptcy; 15 CSR 30-90.200; 11/1/02, 2/18/03
notification of defects; 15 CSR 30-90.080; 11/1/02, 2/18/03
overpayment, underpayment of fee; 15 CSR 30-90.060; 11/1/02,
2/18/03
payment, methods of; 15 CSR 30-90.050; 11/1/02, 2/18/03
records, delivery of; 15 CSR 30-90.020; 11/1/02, 2/18/03
refusal to file, defects in filing; 15 CSR 30-90.090; 11/1/02,
2/18/03
status of parties, filing
 amendment; 15 CSR 30-90.130; 11/1/02, 2/18/03
 assignment; 15 CSR 30-90.140; 11/1/02, 2/18/03
 continuation; 15 CSR 30-90.150; 11/1/02, 2/18/03
 correction statement; 15 CSR 30-90.170; 11/1/02, 2/18/03
 financing statement; 15 CSR 30-90.120; 11/1/02, 2/18/03
 termination; 15 CSR 30-90.160; 11/1/02, 2/18/03
searches; 15 CSR 30-90.210; 11/1/02, 2/18/03
search
 logic; 15 CSR 30-90.220; 11/1/02, 2/18/03
 report; 15 CSR 30-90.230; 11/1/02, 2/18/03
 transition; 15 CSR 30-90.240; 11/1/02, 2/18/03
time limit for filing a continuation statement; 15 CSR 30-90.180;
 11/1/02, 2/18/03
XML records; 15 CSR 30-90.203; 11/1/02, 2/18/03

UNEMPLOYMENT INSURANCE

registration, claims; 8 CSR 10-3.010; 9/3/02, 12/16/02

VETERINARY MEDICAL BOARD, MISSOURI

internship; 4 CSR 270-2.021; 8/1/02, 11/15/02
rules of professional conduct; 4 CSR 270-6.011; 8/1/02, 11/15/02

VITAL RECORDS

death certificate form; 19 CSR 10-10.050; 11/1/02, 2/18/03

VOTING PROCEDURES

eligibility for provisional ballots to be counted; 15 CSR 30-8.020;
 11/1/02, 11/15/02
provisional ballots, envelopes; 15 CSR 30-8.010; 11/1/02,
 11/15/02
voter identification affidavit; 15 CSR 30-3.010; 11/1/02, 11/15/02
write-in stickers; 15 CSR 30-9.040; 11/1/02, 11/15/02

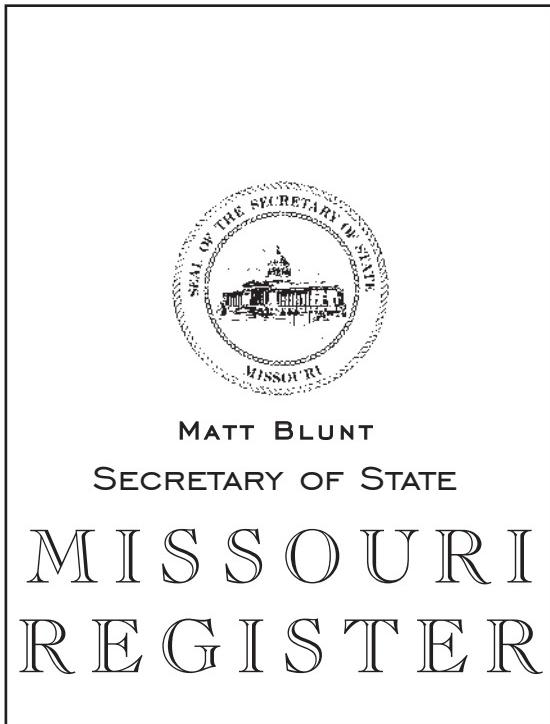
WEIGHTS AND MEASURES

inspection procedures; 2 CSR 90-23.010; 10/15/02, 2/3/03
manufactured homes; 2 CSR 90-10.017; 1/2/02
motor fuels, quality standards; 2 CSR 90-30.040; 9/16/02, 1/2/03
packaging and labeling; 2 CSR 90-22.140; 10/15/02, 2/3/03
petroleum inspection, premises; 2 CSR 90-30.050; 9/16/02
price verification; 2 CSR 90-25.010; 10/15/02, 2/3/03
propane, overfill prevention devices; 2 CSR 90-10.040; 7/15/02
sale of commodities; 2 CSR 90-20.040; 3/15/02, 9/16/02, 1/2/03

WORKERS COMPENSATION

review of awards, orders by ALJs; 8 CSR 20-3.030; 2/18/03

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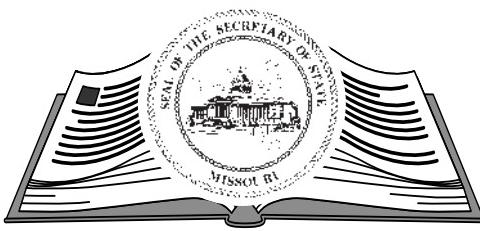
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